

Passive Obedience
ESTABLISH'D;
AND 1507/744.
R E S I S T A N C E
CONFUTED:

BY PROVING

That the late, but too soon reviv'd
Position, Of Affirming the Supreme Power
to be Originally in the People, and in Kings
but in Trust, and therefore Accountable to
the People, and to be Reclaimed by Force
upon Breach of Trust,

I S A

Doctrine contrary to Scripture, Reason, the
Laws of our Land, the Opinion of several
Eminent Lawyers, the Constitution of our
Country, and what Involves us in the Three
Notorious and Damnable Sins of Impiety,
Perjury, and Treason.

By a Gentleman of the City of NORWICH.

L O N D O N:

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Соната № 10 зефир

Д. Н. Г. А. Г. Э.

ФОИ
СОЛНЦЕВАЯ
СОЛНЦЕВАЯ



Лицо не оно, лицо не то
Что в сказке, что в картине, то
Лицо вспомнил я, лицо вспомнил
Он, лицо, которое было, лицо
Лицо, лицо, лицо, лицо, лицо, лицо,

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Лицо, лицо, лицо, лицо, лицо, лицо
Лицо, лицо, лицо, лицо, лицо, лицо, лицо

ФОИ СОЛНЦЕВАЯ СОЛНЦЕВАЯ СОЛНЦЕВАЯ

СОЛНЦЕВАЯ

Лицо, лицо, лицо, лицо, лицо, лицо, лицо
Лицо, лицо, лицо, лицо, лицо, лицо, лицо

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TO THE

EXAMINER.

S I R,

WHEN any Thing is Offer'd Destructive either to Church or State, (as when you have perused this Book, I question not, but you will plainly perceive, that the Doctrine I am therein Confuting, is to both) Inactivity is a fordid Complyance with, and a tacite Encouragement of, such Illegal Proceedings: Therefore a Man can never appear in a Brighter Orb, than by

A 2

Par-

The Dedication.

Parrying and Defending all such Thrusts and Stabs as shall be made against either. To be Silent, or Supine at such Times, shews a Childish Timidity, savours too much of Self-Interest, and is plainly preferring a Private, before a Publick Good ; the latter of which, all Mankind (by the Laws both of God and Man) ought ever to have most at Heart, and the greatest Concern and Regard for.

AS these Reasons and Considerations, (together with Self-Satisfaction) were the only Inducements of my Writing, so are they of my Publishing

and

The Dedication.

and Dedicating this small Treatise to you, Sir: For whom could I pitch upon to be a properer Patron, either of such a Subject, or of these my first Essays, than the Judicious and Ingenious Examiner, who bath so Carefully, Sufficiently, and Bravely Examined, Detected, and Repulsed, not only the Secret Underminings, but also the Daring and Open Assaults, of an Industrious, Insolent Faction, against Monarchy and Episcopacy.

THAT the REVEREND DOCTOR may never be afraid to PREACH, nor YOU to WRITE, such useful and

The Dedication.

necessary Truths; That Her present MAJESTY may long live in Health, Peace, and Prosperity, and ever Encourage such worthy Patriots of their Country; And when the Almighty shall deprive us of so great a Blessing, as Her Sacred Life, that it may please Him to Reward Her with the Joys of Heaven, for Her just, Pious, and Charitable Reign here on Earth, are the sincere Wishes, and hearty and devout Prayers of,

S I R,

Your most humble
Servant,



A. B.

and every man ; nem. bar' too) to
execute his power. And in England
and every other place where

THE

PREFACE.

ALTHO' in the following
Lines, you'll find I affirm,
Kings have their Power de-
legated to them from God, and
not from the People, and there-
fore not any ways *Accountable* to
them; yet I hope you will meet
with nothing therein contained,
that seems in the least to justify
Princes in Tyrannical and Unjust
Government. But on the contra-
ry, I readily and willingly ac-
knowledge, that all Princes ought,
and every good Prince will, go-
vern his People according to the
Constitution, and the known Laws

of God and Man ; and he that reigns in his Kingdom otherways, must expect not only to have his Terrestrial Crown fit uneasy upon him here, but (without a hearty and sincere Repentance and Resolution to do no more wickedly) to lose his Right and Interest in the Celestial Crown hereafter ; and at the last great Day of Judgment, to be punished according to his Neglects and Defaults made in that great *Trust*, committed by God to his Charge. For altho' Kings and Governors are not *Accountable* here, (as having no *Equal*, much more no *Superior* upon Earth) yet in the World to come, even the greatest *Prince*, as well as the meanest *Subject*, must expect, and will certainly have, (if we believe the Almighty to be a Just and Righteous Judge, and no *Respecter*



specter of Persons, and that every ones Account must be according to the Talents they receive) accumulated Punishments for accumulated Crimes committed to and against each other.

THIS Consideration alone, (if we would be but so humble and charitable, as to believe *Crown'd Heads*, but as *good Christians*, and as *Rational* as we are apt to think ourselves) I should think should be sufficient (without the Insurrection and *Resistance of Subjects*) to remind *Princes* of their Duty, and to make us have such a favourable Opinion of them, as to believe they will Govern us as they ought to do, until we actually find it otherways; and not create in ourselves, such unnecessary Fears and Jealousies, and raise such improbable

probable Schemes of Tyranny and Cruelty in a Government by a Monarch, which in all Probability must attend us in any other Form of Government, especially in a Democracy, which is so vehemently (but I imagine inconsiderately) urg'd for. THIS Consideration has induced me to follow out my AS for the particular Forms of Government, (i.e.) whether this or that Form be of Divine Institution or not, I have not troubled my Head with; but as our Constitution is *Monarchical*, I could not but commend that Form above any other. And indeed, (besides the Duty incumbent upon every one, readily and willingly to submit to that Form of Government which he is born under, and not to desire any Change therein) there are other great Reasons for it.

The P R E F A C E.

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it. For in *Monarchy*, as there is a Personal, so there is a *Natural and Necessary Union*: When, in all *Polyarchies*, there is still a Natural and Necessary *Division* of Persons and Interest, and only an *accidental and contingent Union*, occasioned by some Foreign Fear. In which Case, they may be supposed for a Time strengthned and united, by way of *Antiperistasis* only. Whereas the *Monarch*, having an Unity in himself, must constantly remain so. Therefore what Traytors to their QUEEN and Country are all such, that affirm the *Supreme Power in the People*, which is attended with such Uncertainties, Divisions, and Inconveniencies, and which strikes so deeply to the very Fundamentals of our so long enjoyed Constitution, I leave all such hasty and inconsiderate Afferters at

at their greater Leisure seriously to consider of.

I am not so vain as to offer all that you'll here find, as the Product of my own Brain; I freely acknowledge a great Part thereof, to be an Epitomy of the Choicest Parts of other Men's Labours, cull'd, pickt out, and set forth in this Order and Method, for the Benefit of each Reader's Purse, Memory, and Understanding, that as in one Map or Table, the great and necessary Duties of *Christian Obedience* and *Subjection*, may, as it were *uno Intuitu*, be beholden, and more distinctly understood and obſerved. Tho' I may safely affirm, without Fear of being disproved, that here is some necessary Things inserted, that never was published before, and that take

take it all together, there is not a material Objection that hath ever been made and writ upon this Subject, but what in this small Tract you will meet with a reasonable, and I hope satisfactory Answer.

IF by what shall be deliver'd, any shall make Objections of Inconveniences in that Degree of Arbitrariness I have assign'd unto *Princes*, I desire to be understood as not thinking any Government can be by Men in this Life exercised, where no Mischiefs shall sometimes happen. But if the Inconveniences hence probably arising, proceed not from the *Form*, but the *Persons*, if they be such, as are not only to that, but much more to others incident, and if after and besides all, it appears that this

this Form (as is above observed) is only consonant to our Constitution, and will more naturally and necessarily procure Peace, (the End of Government) than any other, I shall then confess, I have arrived at the End of my whole Design and Labour, which was nothing else but to settle Publick Peace and Good by Obedience to Authority, (which is now endeavour'd to be destroy'd, by some base and intermeddling Incendiaries) without reflecting upon any particular Nation or Person whomsoever. So without any further Apology, I freely refer myself and Labours, to all Ingenious and Unprejudiced Readers, being very willing to become an obsequious Obeyster of Truth and Reason, from whomsoever it comes, be it from Whig or Tory, High Church or Low Church.

Church. For I solemnly protest, this Book was neither writ nor published at the Request or Direction of any *Party* whatsoever; but I did the first purely for my own private Information and Satisfaction, and I offer the latter, as I conceive it may be of publick Use and Benefit, to steer us in the most Benighted and Tempestuous Times, if the Almighty (for our almost Unpardonable Provocations, and Abuse of those many Miracles of Mercy he hath hitherto preserved us by) should again submit us to the implacable Malice either of Foreign or Domestick Enemies.

Passive



ERRATA.

Page 35, Line 15, for *Pacie* read *Pacis*,
for *pertinet* read *pertinent*. Pag. 43.
lin. 2. for *Victories* read *Victors*. P. 45. l. 19.
for *Azorins* read *Azorius*. P. 82. l. 32. after
solely in him; add, But bound in the Exercise
thereof to the Concurrence of the *Lords* and
Commons.

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I

Passive Obedience ESTABLISH'D; AND RESISTANCE CONFUTED, &c.

IN such a Black and Difinal Year as 48, when that Illustrious, Innocent, and Pious King, was, by a Judicial Parricide, Sacrific'd to the Ambitious Violence of a prevailing Faction, and Murther'd by the worst of Subjects, to have heard Men boldly assert, " That the King is but as other Men are, and, " it may be, worse too; That the Supreme " Power is principally in the People, and in " Kings but by a delegate and fiduciary Commission: And therefore as being Inferior " to the Whole, tho' Superior to every Particular, to be reclaimed by Force, if they " should transgress against Religion and Liberty. " In those troublesome and seditious Times, when such enormous Villanies were perpetrated and committed, to have met with such Audacious and Rebellious Sayings

ings and Resolutions, " What if their Proge-
 " nitors for their Folly or Cowardice, or
 " both, had been punished with deserv'd
 " Slavery, they would make Use of the
 " blessed Opportunity, to recover their Na-
 " tive Freedom, with the same Resolution
 " and Courage that others had oppress'd it
 " before. " Or to have then found such
Jesuitical Positions and Assertions, " That as
 " for Law, the Interpretation thereof was
 " not in the King, but them, as was the
 " Legislative Power; The Whole cannot rebel
 " against the Prince, more than the Greater
 " against the Less. " I say, in such Days
 of Iniquity as *those*, when to be Loyal was
 a Crime deem'd worthy of Death; when
Hierarchy, the Best of *Spiritual*, and *Monar-
 chy*, the Best of *Temporal* Government, were
 thus undermin'd, and almost ruined; to have
 seen the World *Pester'd* with Tenets so Dan-
 gerous both to Church and State, would have
 been then no more *Wonderful* and *Amazing*,
 than they are at all Times *Horrid* and *De-
 testable!*

BUT under a Reign so Just, so Happy, so
 Mild, and in all Respects so tender of every
 ones *Right*, *Liberty*, and *Property*, as that we
 are now blest with! In a Time when there
 never was a more universal Quiet and Tran-
 quility of Mind amongst all Orders of Men;
 In such Serene and Halcyon Days as these,
 when so Good and Happy a Peace hath been
 so lately concluded, and we now enjoy a
 peaceable and quiet Recess, from the Fatigues

of



of a long and expensive War; I say, so immediately after Royal Lips have so publickly and chearfully declared, That next to the Divine Providence, She professes to rely entirely on the *Affection and Loyalty of Her People*, for that She wants no other Guaranty; and express'd Her high Displeasure at the *Unparallel'd Licentiousness in publishing Seditious and Scandalous Libels*; to hear Men so Rude and Insolent as to rave about *Resistance*, *Self-Defence*, the Encroachment of Governors, and the Securities of the People, and to set the *giddy Multitude* (who want rather a Pendulum than a Fly, somewhat to moderate, not quicken their Motions) a medling with old Popular Schemes, newly vampt up, to serve some poor, sordid, and despicable End of *Revenge*, *Interest*, or *Vain-Glory*, shows, I must confess, Acts of manifest Insolence and Disobedience, and plainly demonstrate the *Authors* to be Men not only of pernicious Principles, but also of dissatisfy'd, unthankful, and impetuous Spirits.

NOTWITHSTANDING these *Democratical* and *Anti-Monarchial* Schemes have not been long (but yet too soon) revived, any Person may plainly discern, that under the specious Pretence, and old Cant, of maintaining the *Rights*, *Properties*, and *Liberties* of the Subject, (having no Regard to the Royal Prerogatives of Majesty, without preserving of which, the other must unavoidably perish) these cunning Deceivers, have already made Converts of too many of Her Majesty's,

it may be otherwise well-minded Subjects. Not only gained and seduced many of the Ignorant and Illiterate to their *Factions* Principles, but have also (under such soft Nations) really poyson'd several Learned and Ingenious Men, in their Judgments, and unhappily sownred them towards their *Governors*, and against the most general approv'd *Government*, a *Successive Monarchy* also. Not that they have chang'd the Word *Monarchy* into any other Name, No; the Time is not seasonable as yet; but by a strange Device, they now call it a *mixt Monarchy*, (which by the way, is an arrant Bull, a Contradiction in *Adjecto*, and destroyeth itself) and which is in Truth no better than a senseless and ridiculous Fancy, hatcht in the Midst of the late *Rebellion*, but never before heard of in our Land.

THEREFORE since Matters stand thus, and such Numbers of wicked Pamphlets are vented and dispersed, thro' all Parts of the Kingdom; since so many Treatises, full of such *Damnable Doctrine*, lye publickly upon the Stalls and Shops, free for all Comers to buy; since such Pains are taken by some (whose Profession and Busines is, and from whom it would be more Honest and Commendable, to preach up the Duties of Submission and Obedience to, and not Resistance of, *Legal Authority*) in their several Books, Sermons, and Discourses, openly to asperse the *Queen's Administration*: While others, with more Cunning do covertly and

glan-

glancingly infuse Suspicions, into the Minds and Thoughts of their credulous Auditors and Readers; since such strenuous Endeavours are yet used, that the Encroachments made upon the *Regalities*, by such Advantages, as former Kings either *Necessities* or *Condescensions* ministred, should continue; since such undutiful and nefarious Means are still encourag'd by too many of all Ranks and Professions, to embroil the Nation again in Civil War and Confusion; I say, since all these Things, are too notorious of themselves, and too well known to the whole Nation, I think in Matters of such great Moment, where *Prince* and *People* are so universally concern'd, it is a Duty incumbent upon every good and Loyal Subject, to offer what he can, to stop the violent Current of such Rebellious Tenets; that not only the *Judicious* may be *reminded*, and the *Ignorant* *informed*; but also the *Unwary* be prevented from being *imposed* upon, by such Plausible, but Fallacious Doctrines: And that *all* of us, when we see that *Legal Power* and Authority come from *Heaven*, and not from *Earth*; that Her *Majesty*, and all other *Lawful Powers*, have *Delegation* from, and *accountable* unto, a Supreme, Omniscient, and Almighty God; and not from, or accountable unto, an uncertain, diffusive, or collective *People*; that consequently their Persons are Sacred, and not to be *resisted* upon any Pretence, or in or for (to prevent any Disputes that may arise by our Modern *Divines* and *Casuists* upon that Word) any *real*

*Case or Cause whatsoever; and that Peace and Agreement (the Life and Soul of a Body Politick) cannot be so well attained and preserved, but by Submission and *implicite* Obedience to the definitive Sentence of One, over all Persons and Causes: I say, when we shall all of us be made thoroughly sensible, that there is no Power but of God, and that the Powers that be are ordained of God; such a Knowledge (if we are not worse than Atheists and Infidels) will create in us an immediate and constant Dutifulness and Obedience to Her present Majesty, and a Necessity of Subjection to Her, not for Fear of Punishment alone, but for Conscience Sake, and that Duty which we all owe unto God Almighty. And so consequently be a likely Means of allaying those Heats and Divisions, Feuds and Animosities, which a Restless Faction would still keep up among us.*

FOR these Great and Weighty Reasons, I have in the following Discourse, undertaken carefully to Examin this Position, " Of the Supreme Power being Originally in the People." And hope you will find, I have fully confuted such a too general believed Tenet, by proving the same to be contrary to Scripture, Reason, the Laws of our Land, the Opinion of several Lawyers, against the Constitution of our Government, and that it is a Doctrine that indeed involves us in *Impiety, Perjury, and Treason.* If all which appears, then, " The King's being accountable to the People, and to be reclaimed " by

" by Force; and that the Interpretation of
" the Law is of Right in them, and not in
" the King; " And all other such like *Impious* and *Treasonable* Inferences, will drop
of Course.

I very well know the Force of ingenious Calumny, insomuch that I must own (tho' I never publickly profest it) I was myself a great while pleased, with the seeming Reasonableness of such like common Maxims; How unfit it was that all should be subject to the Arbitrary Government of any One; and much attentive I was to all those fine Inventions and Contrivances, for his Constraint herein: But when I saw that Sovereignty must at last be somewhere, and that to divide it (if it might be) was not to lessen, but to increase its Yoak: When I saw that *Government*, as *Government*, must be Arbitrary, I then concluded that the Burthen of One Tyrant (if it must be so) was easier than that of Many.

LET the seditious Pamphleteers (thro' Ends best known to themselves) take what Pleasure they please in puzzling the Ingenious, and seducing the Ignorant, with their mysterious and abstruse Notions, and think themselves wiser than their Forefathers, or their present Brethren, because, instead of Explaining, they have found out a new and Hellish Device of *Confounding* all Scripture and Arguments, that are used for Demonstration of Monarchy, and Christian Subjection. For my Part, I think it the greatest Happiness

that could befall me, to be Subject under such a *Queen*, and such a *Government*; and shall glory in nothing more, than by following the plain Examples of our *Lord* and *Saviour*, his *Apostles* and *Followers*, and by conforming myself to Scripture, Reason, the Doctrine of the Church of *England*, and the Laws of the Land, I am so fortunate to be born under: And (amongst others) for this very Reason, Because none of them are so Crabbed and Unintelligible, as the new reviv'd Schemes of *Faction* and *Anarchy*; but on the contrary, are obvious, even to the weakest and meanest Capacities.

AS for such, whose Principles are so tainted with *Faction* and *Rebellion*, that the Pronunciation only, of the Words *Monarchy*, and *Episcopacy*, shall create a far greater Shaking and Disorder in them, than the strongest Fit of a Tertian Ague, I propose no Reformation; For Men of such *Levelling* and *Republican* Notions, can never read cooly and sedately, but come always Prejudiced and Preposseſſ'd against every Thing that shall be offer'd (tho' perform'd with all the Energy and Strength of Reason and Argument imaginable) in Contradiction to their Adored and Beloved Tenets: If I gain Impartial Profelytes, I have my Expectations (tho' not my Desires) fully Answer'd; for I heartily wish all Mankind were (as thank God I am) in the Mind of *Bernard*, "Si totus Orbis me conjuraret ut quidpiam molirer adversus Regiam Majestatem; Ego tamen Deum timerem, & Or-
dinatum

Bern. Epist.
170. ad
Ludov.
Regem.

" dinatum ab eo Regem offendere temerè non
" auderem: Nec enim ignoro ubi legerem,
" Qui Potestati resistit, Dei Ordinationi re-
" sistit. If the whole World should conspire
against me, that I should attempt any Thing
against the King's Majesty, I would notwithstanding
fear God, and not presume rashly to
Offend the King, Ordained by Him. For I
am not ignorant where I have read, Whosoever
resisteth the Power, resisteth the Ordinance of
God.

BUT to come to the Examining, How by
Scripture it appears, " That the Supreme
Power was ever by God put into the Hands
of the Community of the People." For I am
lead to imagine, That all that affirm such a
Position, must back it with the Authority of
Scripture, or else they do nothing.

THEREFORE, First, As I have undertaken to prove this Doctrine to be against
Scripture, I thought it convenient to pitch
upon such a Place as seems to make most
strongly against me; that so my Answer may
have the greater Force and Weight with all
fair and impartial Readers.

THE Text of Scripture that seems most
to conclude, " That the Supreme Power was
Originally in the People, is this, Be sub-
ject to every Humane Ordinance, or Creature,
or Creation, &c. This Place I know carries
great Weight with some People; but if truly
consider'd, there is nothing of Weight in it:
For, First, There is a Signal Character in that Against
very Text, that keeps it from concluding the Scripture.
Supreme

Rom. 13.
v. 14.

Supreme Power to be originally in the People, not only by calling the King, in the End of that Verse, Supreme; such as in St. Paul's Divinity are affirmed to be Ordained of God, and so no Humane Ordinance; but also by distinguishing the Governors from the King or Supreme, v. 13. by this, that the Governors are sent by (i. e. have Commission from) the King; which might in like manner also be affirmed of the King, that he were sent by the People, if he were the Creature, or Creation, of them; but is not so much as intimated by that Apostle: But on the contrary, Supremacy affixt to Him, and Subjection commanded to be paid Him (not for the People, but) for the Lord's Sake. But then, Secondly, To take away all Colour of Plea for Populacy from this Text, it is to be observed what is the Meaning of the Greek Word in the New Testament, which is there render'd * Ordinance, or Creature, or Creation. That Word when it is set in its Largeness, without any Restraint, signifies generally, all Mankind, Gentiles as well as Jews. Thus (the Creation) and (the World) are all one; and (all the Creation) or (every Creature) Mar. 16. 15. the same with (the whole World) in the Beginning of that Verse; and (all Nations) in the parallel Places of St. Matthew, and St. Luke. Agreeable to this Notion of the whole Creation, or every Creature, is the same Phrase (with the Addition of Humane, to take off all Restraint, and to extend it as far as all Mankind) to be understood; and so the Meaning of the Precep-

* Κλισις.

Precept of St. Peter to his *Jew-Christians* is clearly this, and no more, that they must be obedient not only to *Christian Magistrates*, but to *Gentiles, Heathen also*, (such as they should fall under in all their *Dispensions*) i. e. to all, whatsoever they were, and that for the *Lord's Sake*, who constituted those *Heathens* also, as St. Paul faith. If to this it should be objected, That by this way of interpreting, the Precept will be extended so, as to subject us to *all Heathens*, and not only to *Magistrates*: I answser, That this, which is the only Objection against this Interpretation, is of little Force, and is answer'd, First, By observing the Word (*be subjeſt*) which relating to *Magistrates*, will require our Obedience to none but those; as when he commands to *Honour all*, it must be understood, *all v. 17.* to whom *Honour belongs*; Superiors, not Inferiors: Or, as when he commands them to be *subject to one another*, it must not be understood, that the *Superior* must be *subject to the Inferior*, as the *Inferior* to the *Superior*, but as the Nature of the Duty enforces to interpret, the *Inferior* to be *subject to the Superior only*. And, Secondly, By the Apostles express Enumeration of those to whom this Obedience must be paid, in the End of the Verse, *to the King as Supreme*, and then to ** Governors, as inferior Magistrates sent by * v. 14, him.*

BESIDES these several Texts of Scripture, if we consult Reason only, we cannot find the *Supreme Power in the People*: For, First,

First, It is very probable to imagine, that if *Adam* had never fallen, and his Posterity remain'd in the same *Innocence*, they would yet have been capable of *positive Precepts*, in order to civil Life; and consequently some one or more Men would have had Superiority over others. To this Purpose, the divers Orders, and Subordination of the Angels that never fell, seem to be an Evidence, that even in State of Innocence, God design'd Superiority, not Equality. But, Secondly, The Passions of Men being thro' Sin grown irregular, and so needing Rules and Laws; and Rulers and Law-makers, it was both reasonable, that God should, and is most certain that he did design and appoint Government, (as may appear by what is said by God to *Eve*, and *Cain*.) **Thy Desire shall be to thy Husband, and he shall rule over thee*, (as the Apostle out of that Law infers) commanded Woman

* Gen. 3. 16. †*Cor. 14. 34.* ‡*to be in Subjection, and thereby established an Headship in every single Family: So after the Posterity of Eve began to be distinguished into Families, the same God, by using the like Speech to Cain concerning his Brother Abel, †*Unto thee shall be his Desire, || and thou shalt rule over him*, may seem to have constituted a Principality in one Man over divers Families, and thereby laid the Foundation of Political Government; the Kingdom, (as appeareth by the * ordinary Practice of the succeeding Times) together with the Excellency of Dignity, and the Excellency of Power, (the two peculiar Characters thereof)*

* Gen. 4. 7.
†*Cor. 11. 10.*

3. 2 Chr.
21. 3.

thereof) being an Honor that descended upon the First-born, and not upon the younger Brother: And so gave not all Men that Freedom which is the supposed Foundation of that Doctrine which places *Supreme Power in the People*.

AND if any rational Person shall yet think he did give this Freedom to all Mankind, I would but ask this one Question, *Whether ever any Man were by God or Nature invested with Power of his own Life?* I mean, *with Power to take away his own Life, or to kill himself?* In every Thing else Man may be believed to have a Power over himself, and particularly over that *Freedom* which naturally belongs to him. Whatever the Degree of that be, a Man may by Act of his own Will, part with it irreversibly. But for Power over a Man's own *Life*, no Man can be believed to be born with it, for if he were, he might then as lawfully *kill himself* (and if he might do it *lawfully*, there are many Cases which might make it *prudent* for him to do it at sometimes) as pull out an aching Tooth, or dispose of his Liberty or Estate out of his own Possession: A Thing which no *Christian* hath ever thought lawful; but made this Self-Murther, or Felony against ones Self, a Crime as contrary to the Sixth Commandment, *as killing another Man*. Therefore I shall take that for granted, which (that I know of) is denied by none, (*viz.*) *that the Supreme Power includes the Power of Life:* I mean not such an *Arbitrary Power of killing*

killing whom they please, without Sin, but a Power of putting capital Malefactors to Death, and so a Power over every (call it Subject's or Freeman's) Life, in Case of capital Crime. And the granting of this, being added to the former, doth to me irrefragably conclude, that the Supreme Power neither is, nor can be in the Community of the People, or in their Representative, by Force merely of their Original or Natural Liberty. The Inference is clear, because the Power of Life, which is Part of the Supremacy, is not Part of that Natural Liberty; and therefore is neither inherent naturally in that Community of Men, (which is but in other Words, so many particular Men together, endowed with that Power (and no more) which every Man hath singly over himself) nor consequently by them communicable to any Representative.

AND by this also it appears, that Supreme Magistracy, wheresoever 'tis truly placed, is the Ordinance and Creation of God, (who alone hath Power of all Mens Lives) and not of Man, who hath no Power of his own, much less of any others Life, any farther than he is a Representative, or Proxy, or Deputy of God (who hath that Power) not of the People, who have it not.

FOR, as the Original of Government, in any particular Place, cannot be imagined to be by any more than Two Ways, either by God's Designment, or the Peoples Act: So in either of those Two Cases, 'tis God only, and not the People, that gives the Power of the Sword,

Sword, or Power of Life, to the Governor. When God himself sets a King over Men, 'tis so clear that He thus empowers *that King*, that *that* need not be proved: And when the Community of a People (suppose in the Original, Ten Men in the Freedom of Nature) abuse One of themselves, or more to Rule over them, 'tis clear, they do not invest Him with more Power than themselves had; and that He that was thus chosen by them, hath the Power of Life over any of them, (which they single, or all together in the Community had not) must needs come from some other, and not from them: If you will know from whom it comes, I answer, that it comes from God's Appointment, (for the Economy of the World) that the Supreme Magistrate, shall, as his Deputy, have this Power from God communicated to him, as an Endowment necessary to *that Power*, which is design'd to protect and govern others. And in Case it were the Act of the People, and not of God immediately, that designs or nominates the Person to that Office, yet doth not this Nomination bestow this Power, but God, who alone hath that Power, bestows it on him who is thus nominated. In this Case all that the People bestow or part with by their Act is their own Liberty, or that Part of it which they voluntarily divest themselves, that they may by Obedience empower *Him*, whom they have set over them; and that they may reasonably part with, for that greater Benefit of Protection from *him*; which, while he is obeyed
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Rom. 13.

by all, he may by their united Obedience to his Commands, be able to afford them, and could not probably without it. Now this giving up their *Liberties*, to One, or more, makes that Man, or Men, a *Ruler* over them; and being a *Ruler*, to him belongs (derived from God, not from them) that *Power of Life and Death*, which God's fore-mentioned Decree hath instated in the *Supreme Power*, or *Ruler*, who is therefore in that Relation (of *Avenger for Wrath*, or *Punishment*) stiled by the *Apostle, the Minister of God*, and not of the *People*.

BY this it appears that (for the Original of *Power*) the utmost that comes from the *People*, is, that of which they have the *Power*, till by some Act of God's, or their own, they have parted with it, the *Liberty* or *Power* of their *Persons*, (or in some Sort or Degree, as they shall part with it, of their *Bodies* or *Possessions* in like manner) but not of their *Lives*; for that other is of an higher Origination: And therefore supposing the *Power* they had parted with, should upon any Emergent, revert to them again, yet the *Power of Life and Death*, or of the *Sword*, can never revert, because it never proceeded from them; but as the *Soul*, that came from God, doth, at the Falling of the *Body* back to its *Elements*, or *Earth*, from which it was first taken, return to the *Hands of God that gave it*; so the *Power of Life*, the *Prerogative* first, and then the *Gift* or *Investiture* of God, must at the Dissolution of any *Government*, and the

the supposed reverting to its Principles again, return to its proper Fountain, to God, and none but him: And to imagine it to devolve to the *Community* of the *People*, is the same unreasonable, as to conceive the *Immortal Soul*, that one Beam of *Divinity*, (as *this Power of Life and Death* is another) to accompany the Carcals to the Grave also.

IT is evident that it hath been sometimes in the *Power of Kings* to make Laws, without the *Addition* of any *Consent of the People*. Such were the *Principum placita* among the *Romans*. And after it was thought fit by *Princes* to lay some Restraint on themselves, both that they might be better advised, and more readily obeyed, then, tho' the *Peoples Consent* hath been deem'd necessary, yet doth this belong only to the *regulating* and *modifying* the *Exercise* of this *Power*; the *Fundamental Power* itself of *Life* being in the *Supreme Governor*, before the *making* these *Laws*. Now 'tis very easy to distinguish betwixt these Two, the *Power*, and the *regulating* of the *Exercise* of that *Power*; the *Power* in the *Gross*, and the *Determination* of that *Power* to this or that particular Action. The *Interposition* of *Man*, in the latter of these, doth no way prejudice the sole Priviledge of *God*, in the *Donation* of the former of them.

AGAIN, That the *Power of Life* is *reserved* as peculiar to *God*, and not communicated to the *Creature* (sive only to his *Vicerent*) may thus further appear. *God* as the *Creator* of the *World*, and sole *Donor* of

C *Life*,

Life, must be acknowledged to have the *Dominion* over it: This *Dominion* consequently is communicated to none, but to those to whom by *God* it is communicated. To the *Magistrate* this *Power* is given by the *Law of God*, whereby he prescribes the putting certain Malefactors to *Death*; and whereby he constitutes the *Magistrate* his *Vicegerent* on Earth; and so the *Executioner* of that *Law*, an *Avenger for Wrath*. And whosoever will challenge the like *Power*, must shew the like *Charter* and *Evidence*: And if he cannot do that, that is sufficient to prove that he hath it not: As 'tis sufficient to *convict* any *Man* of the *Injustice* of any *his* *Claim* to *my Estate*, that he cannot shew any *Deed* whereby it was *conveyed* to *him* from *me*; and there need no other *Affirmative Proof* against such an one, than that it was *once* in *me*. And therefore till some *Evidence* be produced, that this *Power of Life* is made over from *God* to every *private Man*, the Demonstration is abundantly clear, that *that Power* is not in any *private Man*, any more over *himself* than others.

BUT suppose in this Kingdom the *People* do *Elect* or chuse their *King*, the Separation is evident, between the *Act* of the *People* in *Electing* the *Person* of the *Ruler*, and the *Act* of *God* in conferring this *Power of Life*. All that can be said of the former of these, is, that the *Act* of the *People* is the *Means* of determining the general *Decree* of *God*, (that *Rulers* shall (as *his Deputies*) have the *Power* of

of Life) to this particular Person; not that it is an *Assistant*, or social Cause in conveying this *Power* to the *Ruler*, much less that it shall undertake to wrest this *Power* out of God's Hands, and assume it unto their own: But, I say, as a *Causa sine qua non*, or a previous *Preparation* of the Subject, by their Choice qualifying the Person to be thus *invested*, and empower'd by God. And so, tho' the *People* in this Case, are supposed to do somewhat, i. e. to *Elect*, and that *Election* to determine this *Power* of God's to this Person; yet is this *Power* derived solely from God, and not from any *Act* of the *People*. So that whatsoever is supposed of the *Peoples Electing* their *Ruler*; yet the *Supreme Power*, as I said before, neither is, nor can be in the *Community of the People*, by Force merely of their *Original or Natural Liberty*, upon this firm Ground, that the *Power of Life*, which is Part of the *Supreme Power*, is not Part of the *Natural Liberty*; nor consequently either inherent in the *Community of Men*, nor by them communicable to any *Representative*. According to this Opinion is Bishop Blackall, in his Sermon Of the Divine Institution of Magistracy, preach'd before the QUEEN the 8th of March, 1708. and publish'd by Her Majesty's Special Command: Wherein he (page 4.) says, (talking of *Elective Kingdoms*) Even in this Case, tho' the *People name* the Person, they don't give him his Authority. They chuse the Officer; but when that's done, he is God's Officer, not theirs: He is the Mi-

nister of God, not the Servant of the People. He had his Commission and Authority from God, who' he had his Nomination from them. And presently after says, He has none above him upon Earth, to question, censure, or punish him : And whosoever resisteth the Power, resisteth the Ordinance of God. And in this there is no Incongruity, or Absurdity at all. It should not therefore, methinks, be so strange to any, as some seem to think it, that the Sovereign Power upon Earth, shoud be subje&t only to God, and not be accountable to the People. Not even (continues he) altho' he became at first possess'd of such Power only by their Suffrage, or by their voluntary Acceptance of him ; much less if he came to it by any other Title : Especially there being Instances of the like Nature, continually before our Eyes. I mean, (says he) wherein the Officer has his Nomination from one, and receives his Authority from another, and is accountable for the Exercise of his Power, not to those that chose him, but to some Power Superior both to him and them, from whom, after he was chosen, he had his Authority to act.

Page 5.

FOR thus it is with us in all Corporations that have Charters, and, it may be, in some others ; They are empower'd by their Charters, or claim by Prescription to chuse their own Mayor, or other chief Magistrate ; but when he is chosen, 'tis from the QUEEN, that he has his Authority : And after he is placed in his Office, he is not their Servant that chose him, but their Governor. And in Case he should misbehave himself in his Office, he is not accountable to those

those that chose him to it, but to the QUEEN, by whose Commission he acted in it. They indeed may complain of him, or bear Witness against him; but it belongs to that Superior Power, (Superior both to him and them) from whom he had his Authority, to Judge whether he did misbehave himself or not, and if he did, to inflict on him a proper Punishment.

NAT, this was in Truth (continues this Judicious Pastor) the Case of the Roman Emperors, in the Apostolical Times. They were chosen Emperors by the Army, or the Senate; but the Dignity they were chose to was Imperial; their Power consequently was Sovereign. And therefore to them, as invested with such Authority, the Apostle here in this Chapter declares it to be the Duty of every other Person (not excepting the Electors themselves) to be subject. Let every Soul be subject to the Rom. 13. Higher Powers. Of them in Possession of the v. 1. Imperial Dignity, he speaks of, when he says, There is no Power but of God: The Powers v. 2. that be, are ordained of God. Against them, being invested with Sovereign Authority, he declares it to be unlawful for the Subjects to make Resistance, and denounces Damnation to such as dare to do it. With Regard to them, (for it must have been with a special Regard to the Emperor then Reigning, whether it was Claudius or Nero, both of them very bad ones) he says, Whosoever resisteth the Power, resisteth the Ordinance of God. And lastly, 'twas one of them that he says here in the Text, He is the Minister of God: That is, he acts by a Divine Com-

Commission, and the Power which he regularly exercises, is delegated to him by God.

AND then a little after this great Divine gives a short Instance, that this Power cannot come from the People, either singly or aggregate, because the Supreme Magistrate has the Power of Life and Death, as I have before very fully taken Notice of. And a little further he continues to say, *That as it is directly contrary to what the Apostle here affirms, (viz.) That there is no Power but of God; so it is plainly grounded upon a Supposition that is false in Fact, (viz.) that there were a great Number of Men living together upon the Earth, before the first Institution of Civil Government; which whole Multitude, had then by Natural Right the same Power over single Men, which is now exercised by the Magistrate.*

THIS indeed might possibly have been true, in Case this Multitude had sprung together out of the Earth; or if they had all been Created by God at one and the same Time: But can't be true, upon Supposition that they all descended from the same first Parents, Adam and Eve. For it being so, no Man, except only the first Man of all, ever came into the World, but he was naturally, at the very Instant of his Birth, in a State of Subjection to some other Men: No Man, since the first was ever properly speaking, Free-born. For in his Natural Capacity, he was born a Subject to his own Parents, and in his Political Capacity, to the King or other Chief Governor, of that Kingdom or State of which, at his Birth, he became a Member:

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The People could not therefore give to any Man that Authority, either over themselves or others, which they themselves never had. They could not give to another what was not their own to give. They could not give to one Man, what another Man was then in the lawful Possession of. Thus I hope (does that Learned Bishop conclude) it appears that Government is of Divine Institution, and that the Authority of those that are placed in Government is from God.

AGAIN, Supposing Power at first from the Multitude, it must be from each Person, according to that Maxim, *Quisque nascitur liber*; and then, if all be Free by Birth, (as each one must, or none must) how can the Children of Contractors be bound to the Compacts of their Fathers, more than they were to theirs before? Or why have not they Power of Alteration, as well as they? For if universal Consent makes it, it is a Thing which never was, nor never can be had; Women, Children, Servants, and many People more, under one arbitrary Qualification or another, (made by such as bear Sway) being secluded. And therefore, the Persons of *Electors* decaying, and others of equal Birth-right daily succeeding, (if general Consent makes *Governors* lawful) the Question must be daily ask'd: Nay, if major Votes of these *Electors*, may, in Equity pretend to bind the other, then no Power can be of any Continuance without new Capitulations; because Part of the old major Voters will be still dying,

dying, and so a Number of Non-Consenters now succeeding, they must be still asking Consent anew, or else it may be doubted, that these new ones added to the old minor Vote of Non-Consenters, may make the major Number, and so make it to be no lawful Government. And so farther, by this Maxim, how can Conquest or Succession have any Right? which it hath, by Confession of all.

BUT some Men it may be will argue, *That if the Power of Kings over the Lives of Men, were by immediate Derivation from God, then must this Power be uniform, &c. in all Kingdoms whatsoever.* This Consequence is far from all Appearance of Truth; because the Power may be from God, and yet God that gives the Power, may leave it, in the particular Exercises of it, to be determined either by the Arbitration, and Free-Will, and Prudence of the Governor, where there are no Laws, or by the Regulation of Laws, where there are such. The *Dimensum* or Proportion of Power, over the Lives of the Subjects, which a Governor claims, consists not in *indivisibili*, in any certain or definite Point, but is that which may enable him to discharge his Office of Ruler, i. e. to protect his People, and restrain their Inordinancies. And as far as Reason, and particular Laws (subordinate to God's Word) see it fit to extend the Exercise of that Power, so far may that Ruler regularly extend it.

AND others again may say perhaps, *That the affirming the King's Power over the Lives of the*

the People, to be by immediate Derivation from God, is to smite them with Blindness, and not to discover to them the due Bounds and Limits of such their Power. In Answer to this, I reply, That they that affirm, the *Power* of the *Sword* to be from God derived to *Magistrates*, do at the same Time define, and affirm, that those *Magistrates* are to remain *Rational Creatures*, and to continue under the *Sovereignty of Reason*, and all the Branches of that, as far as their Particulars are concern'd in it; *i. e.* to be ruled by the *universal Laws of Justice and Equity*, by the *Civil Sanctions* which tend to the preserving *Societies*; and consequently by the *particular Local or Municipal Laws* of any Country, which are supposed to have a peculiar *Propriety* toward the preserving and regulating of that *People*. And so there is no small Danger either of *ensnaring Kings*, or *disturbing States* (as some *People* seem willing to fear) by this *Doctrine*: But on the contrary, *both* are as well preserved, as the supposing the *Power of Life* to proceed originally from the *People*: For tho' this *Doctrine* defines the *Original* of this *Power* to be from *Heaven*, can yet allow the *Regulation* of this *Power*, for the *Exercise* of it, to be of an *Inferior, Humane, Political Orgination*; for there is no kind of Repugnance, or Contradiction, nothing but Accord and Amity between them.

IF any think these Expressions, I will set 1 Sam. 8. 5.
a King over me, like, &c. and again, *Him thou shalt set over thee, &c.* do import, that therefore

fore their *Power* is from the *People*; they may observe the *People* to come to *Samuel* to make a *King over them*, and altho' he delay'd it, yet they, knowing of no such *Power* in themselves, come to him again: Inasmuch as *Samuel*

v. 12. *muel said unto all Israel, Bebold, I have hearkened unto your Voice, in all that you said unto me, and have made a King over you.* And *v. 13.* it is said, *Bebold, the Lord hath set a King over you.* As truly shewing whence this *Power* came.

AGAIN, They that think *Kings* are accountable, or that their Actions are controulable by any Order or Body of the *People*; in my Opinion, do commit a very great Absurdity: For then to what Purpose should *Samuel* go about to fright the *People* with a Thing of no Danger, and which was in their *Power* to remedy? For it is said, *That they*

v. 8. *should cry out in that Day, because of their King, and the Lord should not bear them;* meaning that they had none but God in that Case to appeal to; by whose Forbearance to hear them therein, they had no lawful Remedy left them.

BUT the greatest Bustle and Noise that is made about *Kings* deriving their *Power* from the *People*, and what gains the most Proselytes, and deceives the Illiterate and Unwary most, is the supposed *Pact* or *Original Contract* between *King* and *People*: And therefore because this is urg'd so vehemently, and as such a cogent Proof of the pernicious Doctrine I am now endeavouring to confute, I shall dwell

dwell a little longer than I design'd, in considering such an imaginary, material Objection: For because a *Contract* is allow'd to be binding between Subject and Subject, it is affirm'd to be so (even by ingenious Men) between *Prince* and *People*. Which Affirmation I deny, and for Reasons give the following.

TO imagine a *Paction* between *King* and *People*, (as is by too many done) this Difference will arise between the Tyes and Securities which *Subjects* make one with another, and those they make with their *King*. First, Subjects Bargains are express'd, and that usually under Hand and Seal before Witnesses: And then they have a Person, and Way of Decision ready to reconcile their Differences. Whereas, between *Prince* and *People*, nothing like *Paction* appears; but is only supposed.

AGAIN, The *Prince* having only *God* above him, the *Subjects* have no Appeal but thither; who only is *King of Kings*: For how should the *Subjects* judge, they are Parties, and beneath the *Prince*? How shall the *Law* judge; for that must be under its Maker also?

AGAIN, In *Pactions* one is performing before another: Between *Prince* and *People* it is not known which is to begin, or which is to end; for their Tyes are continual and reciprocal: The *Prince* is continually to protect *them*, and they continually to obey *him*. Is he sworn to keep the *Laws*, and do *Justice*; they are sworn and obliged to obey the *Laws*, and

and him in Execution of them. Therefore when Monarchs take *Oaths* for Maintenance of the *Laws* made, or for doing of *Justice*, or other Things, having none but God to judge hereof above him, he can be to him only accountable, as to a Superior, for any Breach: And if he be, he is no Sovereign. And if *Oaths* do but what Humane Law or Policy can do, or secure without them, the Attestation of *God's Name* and Presence is but taking his *Name in vain*: The Obligation of an *Oath* being in Value as far above *Law*, as *God* is above the *Prince*. And when the *Oath* of *Allegiance* passeth from *Subjects* to *Princes*, it is for farther securing him against Opposition and Revolt; because if Sense of Duty to *God* do not, it is not possible for the Fear of one Man to keep all in Subjection.

THEY that imagine *Kingly Government* is grounded on *Partion* with the *People*, as deriving from them his *Power* over them, will appear in a farther Mistake herein, from Consideration of the Nature of *Partion* itself: Which I shall a little more particularly examine. For, *First*, They supposing that the *Community* is at that Time associated by mutual *Partion*, so as to act in the Capacity of one Person, do fail, in that neither express Articles to that Purpose could ever be made or produced, nor could there be any Witnesses, nor a Third present obliging Superior Party supposed. For Witnesses there can be none, but such as are Parties: And Third common

common obliging and powerful Party there cannot be, but God. For if another on Earth, he is their Prince already: And it is he, not they, must give Consent. So that God not being present, as to Manifestation of express Consent in what they do, otherwise than by his Will already known by his *Laws*, the People having none but themselves (equal Parties) to judge how far their *Pactions* are consonant to these *Laws*, must, as wanting present Power to hold them obliged to one another, want also Power to grant any thing to one another. And therefore, they failing to think that such a *Body* can be at all, or that a *Body* without a *Head* can perform the Offices of Discourse, Will, and Understanding, which is to the making *Pactions* requisite, we will next see what Likeness of *Paction* there is in any thing that appears between *Prince* and *People*, supposing them as *Pactors*; which some do fancy, for making *Subjects* Submission (as they think) lawful, because voluntary.

IN this, the first great Difficulty will be, how to bring the People into a Capacity of Appearance for making this Stipulation. For if by their mutual and reciprocal *Pactions* amongst one another, they have but (as is usually supposed to make them one *Body*) transfer'd each others Power, they are as far from being one *Body* as before; because, as they were before separate in having their own distinct personal Powers, so are still as distinct in Possession of the Powers of each other.

other. For if *John* have given his Power to *Thomas*, it must be (I suppose) that *Thomas* shall also give his Power to *William*: And then, as *William* may be supposed to have a treble Power, (that is, his own and the Two resign'd) so at last, by his transferring these resign'd Powers onward, they will come into one Hand. But this will be a long Work, and much Trouble there will be with whom to begin, and in what Order to follow therein; and who shall be the supreme obliging Party, to see Performance of these many *Pactions*.

BUT if they be supposed to *pact* all at once, how shall we in this Confusion be able to find out and distinguish the *Pacting Persons* from one another; and the third obliging Party and Witnesses from both? For if *John* say to *Thomas*, I give you all my Right in governing myself, upon Condition that you give the same, and all yours to such and such; and this we mutually oblige ourselves by *Oaths* to do: Then, taking these *Pactors* by Pairs, here will be a long Work again, and to no Purpose: Unless the third Person to be empower'd with all Power, do severally stipulate with these Pairs: And then he will have as many Kingdoms as Pairs of Subjects.

AND to suppose each Party *pacting* with the whole *Community*, and saying, " I give all my Power to this *Community*, that they again may give it to such a Man; " Then must each Man singly come to do so. Which done, each Man will come but to have the same

same Power he had at the first; forasmuch as every one being a *Member* of the *Community*, hath also his equal Share therein still. And therefore each one as Sharer in the Power of the *Community*, must anew consent, or we are never the nearer of having a *Political Person* to *pact* with; or of having made any *Community* or *Corporation*. And as this cannot be without a present Superior Authority for so doing neither, (by Force of whose Law the same must be done) so will it much more follow, that as they could not by *Paction* have become a *Community* without some Superior *Law* and *Power*; so, beyond the Leave of that Superior *Law* or *Power*, cannot they, as a *Community*, act any Thing of Force: Much less can they set a Superior above what is Superior to them already.

AGAIN, It would be consider'd what they *pact* for in these their supposed *Pactions* with *Princes*; because all Rational Creatures must have an Aim. In this Case we must still continue supposing (for Matter of Fact will never appear): Either then they *pact* for their Right to govern others, or for their Right to govern themselves: If the latter, it must be meant only so far as their separate Deportments come to be publickly useful; for still I suppose each one must have Power to manage his proper Business. Then, Question being, what shall be Publick, what not, the supposed *Paction* must be invalid; because, expressing it not, it saves not, nor remedies not one *pacting* Party from the Power of the other;

other; that is, the Subject from the Superior; to whom it belongs to have Power to judge in all, or else he can judge in none. If it be meant of the first, (that is, of his Share of Government of others) then must each Party singly *pact*; to the End that the *Community* (including all) may have joyn't Right to govern. But then how can they give what they have not? For since none have by Nature, and as Men, Rule over one another, but what is derived the natural Way from Constraint, how shall Force or Fear be reconciled with the supposed voluntary *Paction*?

A GAIN, If precedent *Paction* must be supposed to make *Government* lawful, how shall we do for Establishment of *Democracies*? Do the People of such a Place covenant with themselves, both to transfer to themselves, and retain to themselves the *Government* of such a Place? Do they thus derive Power from one to another, to no other Purpose, than to do every one as they like still, and to be just as much, and no more powerful, than before? Here is mad Work indeed. Or if it be not done, then by their Argument these *Governments* are but *Anarchies*.

A GAIN, If Children and Servants must *pact* with one another to empower their Father or Master, then must he *get* them and *take them in* all at once; or else, upon the Birth and Admission of every new Child and Servant, they must all *pact* anew, for Fear that these new ones, for want of being *Covenanter*s, should be injured when any Thing

is by their Father or Master done against their Liking: And then, what shall we say of the Wife's Subjection? Must the Husband have many Wives, that one may *pact* with another to empower him? Can he not also have Fatherly or Masterly Power, while he hath but one Child, or one Servant, for the like Reason? At what Years must Children be supposed able to *pact*? And by what Authority must the Father Command in the mean Time?

BESIDES, the Name of *Paction* cannot be proper, where all the Things premised or mentioned is only in the rightful Power of one; and where none is Superior to that one: For Kings having none but God above them, they cannot be obliged by *Paction* from their People, farther than either Conscience, or Sense of Honor shall lead: And as God in his Attestations is said to *Swear by himself, as having none greater,* so is their Royal Words the highest Assurance that Subjects can have. And therefore, tho' Kings as Promisers and Covenanters, be bound as Men, yet, as Kings, they have only Power on Earth to be Judges of *their own* or the Peoples Performances. Nor can that *Paction* but be invalid, where Superior and Inferior Treating, as such, should Covenant to destroy those Relations, while they yet pretend thereby to estate and settle them.

BUT it will plainly appear, that this Plot of *Paction* was but of late Times devised by Sons of Belial, (or such as would not be

under Restraint) to serve their own Ends, not Truths, if we consider that we find not any one urging for the *Jews* Right in choosing and empowering of their *Judges*. And all because Men, being not now under the Authority of such temporary Officers, are not so careful to devise Ways and Maxims for taking to themselves Power to set them up, and make their Restrictions by. But that which is the Truth herein is, that since it is never urged that the *Jews* did challenge a Right of setting up these *lesser Powers*, it proves, that their Meaning is mistaken, by those that think they had Right to set up the *greater*. For if they could not set over them *Moses*, *Joshua*, and the rest, why should they have Power to confer Power on Kings? If they could not, or did not make *Moses* King of *Jesburun*, how came they to have Right to make *David*?

AND therefore, to sum up all, *Kingly Power* being of *Divine Institution*, the Power necessary for Execution thereof, is not by *Pardon* from *Inferiors*, but by *Gift* from *God* above. When *Princes* upon Occasion promise the imparting of any Power to *Magistrates*, or other of his *People*, this, as coming from a rightful *Superior*, is on them bestowed as of Grace and Gift; and not any way arguing, that the Power remaining is from *Inferiors* to *Superiors* by *Capitulation*.

AND so this supposed *Pact* or *Contract*, which maketh such a Noise in the World, proveth to be but a *Squib*, *Powder* without *Shot*,

Shot, that giveth a Crack, but vanisheth into Air, and doth no Execution.

NOW by what hath been said, since neither by *Scripture*, *Reason*, nor any Arguments deducible from either of them, we can find no just Grounds to believe that the *Supreme Power* is in the *Community of the People*, and that the *King* is inferior to them, and to them accountable for his *Breach of Trust*.

LET us impartially Examine, What the Opinion of the *Lawyers*, and *Acts of Parliament* are in this Case.

REX habet Potestatem & Jurisdictionem super omnes qui in Regno suo sunt; ea quae sunt Jurisdictionis & Pacie ad nullum pertinet nisi ad Regiam Dignitatem, habet etiam coercionem ut Delinquentes puniat & coereat.

A Delinquent is he who adheres to the King's Enemies.

OMNES sub Rege, & ipse sub nullo, nisi tantum Deo, non est inferior sibi Subjectis, non parem habet in Regno suo.

THE two Spencers in *Edward the Second's* Time (to cover their Treason) hatcht this Damnable and Damn'd Opinion, (*viz.*), that *Ligeance* was more by Reason of the *King's* Politick Capacity, than of his Person. Upon which they inferr'd this Execrable and Detestable Consequence: *First*, If the King demean not himself by Reason, in the Right of his Crown, his Lieges are bound by Oath to remove him. *Secondly*, Seeing the King could not be removed by Law, it was to be done

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by Force. Thirdly, That his Lieges are bound to govern, in Default of him. All which Tenets were condemn'd by Two Parliaments, the one call'd, *Exilium Hugonis*, in Edward the Second's Time; the other by 1 Edw. III. c. 2. All which Articles against the Spencers, are confirm'd by this last Statute. The Separation of the King's Person from his Power, is the principal Article condemn'd.

^{3 Edm. III.} THE King hath no Peer in his Land, and cannot be judged.

^{6 Rich. II.} ^{c. 5.} IT is affirm'd that *the Crown of England hath been so free at all Times, that it hath been in no Earthly Subjection, but immediately to God, in all Things touching the Regality of the said Crown, and to none other.*

^{Hen. IV.} THE Regality of the Crown of *England*, is immediately subject to God, and to none other.

^{Hen. V.} THE Death of the King dissolves the Parliament. If Kings should refer to the Politick Capacity, it would continue after his Death.

^{2 Hen. V.} ^{4 pars.} THERE is no *Interregnum* in the Kingdom.

^{Initit. 46.} ^{1 Edw. VI.} ^{c. 2.} ALL Authority and Jurisdiction, Spiritual and Temporal, is derived from the King.

^{Plowden,} ^{234, 242,} ^{213. Cal-}
^{vin's Case,} ^{7 pars, fo.} ^{12. Plowd.} ROT ad sole Government, &c. The King hath the sole Government of his Subjects; the Body Politick, and the Natural Body of the King, make one Body, and not divers, and are inseparable and indivisible.

^{Com. 213.}

THE

THE Body Natural and Politick make ^{Plowd.} one Body, and are not to be sever'd. Li- 934. 243.
geance is due to the Natural Body, and is ^{213. Cal-}
due by Nature, God's Law, and Man's Law, ^{min's Case,}
cannot be forfeited nor renounced by any ^{7 pars.} Means; it is inseparable from the Person. ^{to. 12.}

EVERY Member of the House of Com- ^{1 Eliz. c. I.}
mons, at every Parliament, takes a Corporal ^{Cawdrey's}
Oath, that the King is the Supreme and only ^{Case. 5 p.}
Governor, in all Causes, in all his Dominions, ^{f. I. 17}
otherwise he is no Member of that House. ^{IV}
The Words of the Law are, *In all Causes,*
over all Persons. The said Act is but decla-
rative of the ancient Law. *Cawdrey's Case,*
ibm.

TO depose the King, or take him by Force, ^{39 Eliz.}
to imprison him, until he hath yielded to ^{Hill. 1 Jac.}
certain Demands; Adjudg'd Treason. And ^{ibm.}
adjudg'd accordingly, in Lord Cobham's Case.

THE Law makes not the Servant greater ^{10 Eliz.}
than the Master, nor the Subject greater than ^{Plowd.}
the King; for that were to subvert Order and ^{316.}
Measure.

IT cannot be said, that the King doth ^{Edw. V.}
Wrong; Declared by all the Judges and Ser- ^{Edw. IV.}
jeants at Law then present. The Reason is, ^{25. 3 Ed.}
Nothing can be done by the King's Grant, ^{IV. 29.}
or any other Act of his, as to the Subjects
Persons, Goods, Lands, or Liberties, but must
be according to establish'd Laws, which the
Judges are sworn to observe, and deliver be-
tween the King and his People impartially.
And therefore the Justices and Ministers of
Justice are to be questioned, and punished, if

the Laws be violated, and no Reflection to be made against the King.

*Dier. 38
Hen. VIII.
f. 59, 60.*

THE King is the Head of the Parliament : The Lords the Principal Members of the Body, the Commons the Inferior Members ; and so the Body is composed. Therefore there is no more Parliament without a King, than there is a Body without a Head.

*11 Hen.
VII. 18.*

EVERY Subject by the Duty of his Allegiance, is to serve and assist his Prince, and Sovereign Lord at all Seasons, when Need shall require.

*4 p. Instit.
f. 3, 4.*

THE King is *Principium caput & finis Parliamenti*. The Body makes not the Head, nor that which is *posterior*, that which is *prior*. *Concilium non est Preceptum* : *Conciliarii non sunt Preceptores*. For Counsel to compel a Consent, hath not been heard of. And the House of Commons by the Writ are not call'd *adConcilium*. The Writs to the Twelve Judges, King's Council, Twelve Masters of the Chancery, are *Concilium impensuri*; and so of the Peers. The Writs for the Commonalty, *Ad faciendum & consentiendum*.

*12 Hen.
VII. 20
Hen. VIII.*

IT is no Statute, if the King assent not to it, and he may disassent. This proves the negative Voice.

*Bracton,
l. 5. tract. 3.
de saltis
cap.*

*Bracton,
l. 3. c. 7.*

TREASONS, Felonies, and other Pleas of the Crown, are *propria causa Regis*.

THE Power of the Militia, of Coining Money, of making Leagues with Foreign Princes, the Power of Pardonning, of making Officers, &c. All Kings had them.

THE King assembles the Parliament by *Vide Speed,*
his Writ, Adjourns, Prorogues, and Dissolves *645. 4 p.*
the Parliament by the Law at his Pleasure, *Instit. 27.*
as is evident by constant Practice. The House
of Commons never set after an Adjournment
of the Parliament by the King's Command.

THIS Act, and all our extant Laws (ex- *K. James I.*
cept as hereafter is excepted) say, The King's *c. 1.*
Office is an Heritage inherent in the Blood of
our Kings, and their Birthright. And ac-
cording to the Fundamental Constitution of
our Land, Regal Power is Hereditary, and
not Elective.

IN every Homage that used to be paid to *Cook upon*
the Lord, there was this Exception, (*Saving Littleton,*
the Faith that I owe unto our Sovereign Lord *l. 2. sec. 85.*
the King.) Both, as *Cook* observes, Because
there is *Homagium Ligeum*, which is due to
the King only; And also because he is Sov- *Page 65.*
aign Lord over all. And this, as appears in
the Margins there, agrees with the Writings
of *Glanvile, Bracton, and Briton.* And the
very Name of *King*, as *Cook* likewise here ob-
serves, signifies *Power and Skill.*

*Some Objections that may be made, Answer'd,
and the Truth thereby more fully clear'd.*

THE Parliament can enlarge the King's *Objection 1.*
Prerogative, and settle the Succession of the
Crown: Therefore 'tis above the King.

IF the King assent, otherwise not. And *Solution.*
then it is an Act of Parliament, otherwise no
Act.

Objection 2. BRACTON saith, God, the Law, and the King's Court, (*vix.*) his Earls and Barons, are above the King, (*vix.*) in Parliament, as Mr. PRYNN expounds.

Solution.

WHERE is then the House of Commons? Indeed, take God, the Law, and Earls and Barons together, it is true. But to affirm that the Earls and Barons in Parliament are above the King, (the King being the Head of the Parliament, and they one of the Members) how an inferior Member is above the Head, is hard to conceive.

Objection 3. THE King is but one of the Three Estates of Parliament, and Two are greater than One; therefore above.

Solution.

THE Legs, Arms, and Trunk of the Body, are greater than the Head, and yet are not above, nor hath Life, without it. The Argument holds for Quantity, but not for Quality. And in Truth, the King is none of the Three Estates, but above them all. The Three Estates are the Lords Spiritual, the Lords Temporal, and the Commons.

Sir Edw.
Cook, cap.
Parliamen-
ti, fo. 1.
1 Eliz. c. 3.

AND so it is acknowledg'd in a Statute of 1 Eliz. c. 3. where the Lords Spiritual and Temporal, and the Commons in that Parliament assembled, being said expressly and *in terminis* to represent the Three Estates of the Realm of England, did Recognize the Queen's Majesty to be their true, lawfull, and undoubted Sovereign Liege Lady, and Queen. This makes it evident that the King was not accounted in the Times before for one of the Three Estates of Parliament; nor can Her present Majesty

and Resistance Confuted.

Majesty be so accounted now. For considering that the *Lords* and *Commons* do most confessedly make Two of the *Three Estates*, and Stat. 8 Eliz. that the *Clergy* in another Act of Parliament are acknowledged to be one of the greatest States of the Realm; which Statute being still in Force, doth clearly make the *Clergy* to be the Third; either there must be more than Three Estates, or else the King of England is none of the Three Estates, as indeed he is not. So that the ridiculous Device of making the King co-ordinate with his Parliament, and not the Parliament subordinate to him, vanishes into nothing. But more touching this co-ordinate Power hereafter.

THE Original, Prime, Legislative Power of making Laws, to bind the Subjects, and their Posterity, rests not in the King, but in the Kingdom and Parliament, which represents it.

THE King is the Head of the Kingdom and Parliament; and nothing can pass without his Assent. How then can a Body act without a Head?

THE King cannot alter the Bills presented to him by both Houses.

TRUE: But the King may refuse them. ACTS of Parliament, and Laws ministered in the Reigns of Usurpers, bind rightful Kings.

WHAT is this to prove the Two Houses Power, or the Power in the People only, which is the Question.

Objection 7. A King dies without Heir, is an Infant, *Non compos Mentis*, &c. the Two Houses may establish Laws.

Solution. THERE is no *Interregnum* in *England*, as appears by all our Books of Law; and therefore the dying without Heir is a vain Supposition, and by this Principle, he is considerable in his Politick Capacity, which cannot die at all. The Protector, assisted by the Council of the King at Law, his Twelve Judges, the Council of State, his Attorney, Sollicitor, and Two Serjeants at Law, his Twelve Masters of *Chancery*, hath in the King's Behalf ever had a negative Voice.

Objection 8. THE Kings of *England* have been Elective.

Solution. POPERY hath been in the Kingdom, and therefore to continue it still, will not be taken for a good Argument. When Things are settled for many Ages, to look back to Times of Confusion, is to destroy all our Repose. Upstarters that come in by the Consent of the People, are Kings *de Facto*, but not *de Jure*. And by all our Law-Books, and the Fundamental Constitution of our Land, Regal Power is Hereditary, and not Elective.

Objection 9. PRINCES have been Deposèd, and may be by the Two Houses.

Solution. THE Deposers were Traytors, as appears by the Resolution of all the Judges of *England*. *Cook, c. Treason, 2 par. Instit.* And if the Unhappiness of evil Times and Men have de Facto deposèd, destroyed, or rejected their Princes, they are to expect no Lawes nor Trophies for it, the Memory

Memory and Monuments of them being best buried in Oblivion: In that such Victories ought to be ashamed of themselves; for tho' such Ways may seem right to a Man, the End thereof are the Ways of Death.

THE King cannot disaffent to Publick and object. 10. Necessary Bills for the common Good.

NOR ever did good King. But who shall solution. be Judge whether they be Publick and Necessary? The major Part in either of the Houses for passing of Bills so presented, may be but One or Two Voices, and perhaps of no Judicious Men. Is it not then fitter or more agreeable to Reason, that the King and Council of State, his Twelve Judges, his Twelve Masters of the *Chancery*, his Serjeants, Attorney, and Sollicitor, should judge of the Conveniency and Benefit of such Bills for the Publick Good, rather than a *minor*, or a weak Man, or a few, who oftentimes carry it by making the major Part, which involves the Consent of all? Let Reason determine.

M^R. Prynne, fo. 1, 4. of his Book entituled, *The Parliaments Supreme Power, &c.* I find calls the Parliament the *Supreme Power*, and the King *Supreme Governor*. To make a Distinction between a *Supreme Governor* and *Supreme Power*, is very strange; for who can Govern without Power.

THUS I have examined the several Opinions, and Acts of Parliament, and made such Objections and Answers, as, I think, set this Matter in a true Light. By all which it appears evidently, that the Militia belongs to the

the King; that the King is not virtually in the Two Houses; that the King is not considerable separately, in Relation to his Politick Capacity; that the King is not a Person trusted with a Power; that the King assembles the Parliament by his Writ, adjourns, prorogues, and dissolves the Parliament by the Law at his Pleasure; hath the negative Voice; that all Writs, Executions, and Mandates are done in his Name; that the *Sword of Justice*, or the *last Appeal*, as well in *Religious* as *Civil Causes*, is inseparable and incommunicable in him: That he hath the Power of making and interpreting of Laws; of making Peace and War; the Power of Pardoning; of making of Officers; of Coining of Money. But having the *last Appeal*, and being in *all Causes*, and over *all Persons*, and Estates in his Dominions, *Supreme Head* and *Governor*, it will follow that he hath all these in Course. You see these Laws have none of those new minted *Jesuistical Distinctions* of *Natural* and *Politick*, *Abstractum* and *Concretum*, *Power* and *Person*: The King is the Life, the Head, and the Authority of all Things that be done in the Realm of *England*. And to no Prince is paid more Honor and Reverence, than to the King and Queen of *England*: None of his Subjects speaketh to the King, nor serveth at the Table, but in Adoration and Kneeling: All Persons of the Realm be bare-headed unto him, insomuch that in the Chamber of Presence, where the Cloth of State is set, no Man dare walk (tho' the King be not there) but bare-headed.

headed. Where is the Supreme Power then in the People? And why is not this Adoration and Reverence then shown to *them*, and not to the King? And since Rebellion is a Resistance made by a *less* rightful Power against a *more*, why should we not call Kings, *Rebels to the People*, (if his Power be from them) as well as call them *Rebels to him*?

I thought these Objections and Answers very material to be inserted, upon another Account also, (*viz.*) that the World may see how exact (or at least as near as may be) the Objections now made, agree and stand upon the same weak Foundations, that caused all the Civil War and Confusion that attended the long and *monstrous Rebellion*. For it was upon such like Principles as these, I am now Examining and Confuting, (originally taught by *Mariana*, *Bellarmino*, *Azorins*, and divers other *Jesuites*) that those *Delicate Protestants*, those *Tender and Thin-skin'd Consciences*, those *Goodly, Loyal, and Dutiful Subjects* acted, when they *fought* against their King; when they *hunted* him upon the *Mountains*; when they gave him a *Crown of Thorns* for a *Diadem of Gold*; when they *translated* his *Chair of State* out of the *Parliament House* into *Westminster-Hall*, and at his *Palace* erected him a *Scaffold* for a *Throne*, and made him a *Glorious Martyr*, whom they so often *Sware* they would make a *Glorious King*. For the subtle *Romanists*, seeing *Religion* and the *Laws* of the Land had provided Securities for the *King's Life, Person, Power and Greatness*, they found

found no way left them to prosecute their Evil, Bloody Intentions, but by Poysoning the People with such like *Foreign* Principles as these, first to Divide the *English*, and then to perswade the Parliament to change the *Monarchy* of *England* into a *Common-wealth*; which how soon and fully was compleated, is too melancholy a Subject to proceed on: For I have not search'd into the Villanies of former Times with any Manner of *Delight*, but out of pure *Necessity*: That by seeing the *Methods* whereby the World was *Deluded*, and the *Throne Subverted* in one Age, we may learn to *beware*, lest we be led by the Nose, and *trickt* out of our Obedience and Loyalty in another. For I find it is a Pleasure and Pastime to some to play *Pranks*, and to shew how *Dexterous* and *Artificial* they can be at *Cheating* the unwary *Populace*, and hurling the World again into its primitive *Chaos*.

IF then in an Elective Kingdom this Sovereign Power is delegated from *God*, and not from the *People*, How can it be reasonably conceiv'd that this Power should be derived to the *King* from the *People* in a *Successive Monarchy*. I know not any of these Laws that are repealed, where the *Supremacy* is taken from the *Prince*, and lodg'd in the *People*. 'Tis true, there has been (upon very good Grounds) some Alterations made in the *Succession*; For formerly the Crown descended of Course to the next of Blood, without any Exception, Condition, or Limitation; and it is now limitt'd to descend to the next Heir that is a *Protestant*.

AND

1 W. and

M. Sess. 2.

c. 2.

12 W. 3.

AND by this Act also, (for some Reasons ^{in W. &} of State) the Oaths of Supremacy and Allegiance appointed by former Acts, were abrogated, and other Oaths appointed. But what then, can any body with Reason affirm, that this Limitation or Abrogation changes our Monarchy into an Aristocracy, or Democracy, or that King William and Queen Mary were not then as Supreme over all Persons and Causes, as any King or Queen of England was before, when those Oaths were actually taken? Was any Thing a Law, without their Royal Assent? In short, was not the Sword of Justice, or the last Appeal, as well in Religious as Civil Causes, in the late Reign inseparable and incommutable in them? And since Her present Majesty hath not thought fit to part with any of those Royal and chief Marks of Sovereignty, is not She as Supreme in Her Reign, as any of Her Royal Predecessors, Kings and Queens of England, were in theirs? For, as Bishop Usher well observes, *Alio' in our High Court of Parliament, the Knights, Citizens, and Burghesses, (representing the whole Body of the Commons) bear the Show of a little Democracy among us, and the Lords and Nobles (as the Opponates of the Kingdom) of an Aristocracy, yet our Government is a Free Monarchy notwithstanding: Because the Supreme Authority resteth neither in the one, nor in the other, (either severally or jointly) but solely in the Person of the King, at whose Pleasure they are assembled, Stat. Eliz. and without whose Royal Assent, nothing they conclude on can be a Law, forcibly to bind the Subjects.*

Bishop Usher, of
the Power
of the
Prince.
Pag. 35.

Subjects, whereupon, by a special Act of the same great Court, it is declared, that the King's Highness must be acknowledged to be the only Supreme Governor of his Dominions, in all Causes whatsoever. Which could not stand (as this great and universally beloved Prelate takes Notice) if either that Court itself, or any other Power upon Earth, might, in any Cause over-rule him. He says, Any Power, whether Foreign or Domestical. And indeed, he that is not Supreme in all Causes and Things, but only such as the People shall assent unto, is not truly Supreme in any Thing: Forasmuch as their Judgment coming after his, as of Power to confirm or disanull, they will still be without a Supreme, and their major Vote allowing his Affirmative, or rejecting his Negative Sentence, will at last conclude the whole definitive Sentence to be come into their Hands.

NO, if Rulers of Policy, Peace, and Government be maintain'd, the King only can be Supreme, and all other of his Subjects can have but derivative Powers; that is, *as sent of him*. The Complaint of Misusage must still run to the Higher; the People cannot appeal to the People, when the King (their only Supreme Judge on Earth) hath oppressed them. They have in this Condition, none but God above him to appeal unto; he is the only King of Kings, *and to him only* (in this Case) *Vengeance doth belong*.

BUT if it were granted, that in some one or more Places, the Power hath been originally in

in the People; yet it will never appear, by the Originals of *all*, or of *this* Kingdom, that in *all*, or in *this* it was so. Or if Men will still *opinate*, and affirm against the *Laws* and *Constitution* of this Kingdom, and against those Oaths, which have for so many Years acknowledged the Seat of *the Supremacy in the King*, and not in the *People*, and which have been but so lately abrogated; I would only ask such Men again, in Point of *Reason*, Whether after that the *People* have upon *Deliberation*, and from *Choice* entrusted some one or more Persons (in a certain Course of *Succession*, by *Law* designed) to Rule over them, and after the *Law* hath declared the *Person* of that *Supreme Magistrate* not to be *accountable*, but his *Ministers* only, (which may be a Prudence of State, more advantagious to a Peoples Peace than possibly is well understood;) Whether, I say, in this Case any Number of Men whatsoever, can upon any Pretence, or real Cause, recall that *Trust*, and void that *Law* by which the *King* and his *Heirs* for ever, were constituted the *Rulers* of them? Or if they might, whether this were not most contrary to the *End* of all Government, Quiet, and Peace, and probably the Parent of all Confusion in the World, which is much worse than the hardest Subjection?

INDEED, if *He* or *They* who for the Time being have the *Sovereign Power* in their Hands, (by and with the *Advice* and *Consent* of his *Two Houses*) shall think fit to transfer this *Power* on the *People*, and shall declare, that no *Law* shall

be good and valid, but what the *Majority* of the *Populace* shall agree to, this will change our *Monarchy* into a perfect *Republick*. But until this great Condescension shall be actually made, (and I cannot be informed that any such hath been yet made) I must confess, I am not so wise as to understand, that altho' such a *Power* was *originally* supposed to be in the *People*, how it can reasonably be affirm'd to be *now* in them.

THE Statute of 6 *Anna*, which was made for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line, (and which is the last Statute, that I know of, that hath been made, touching the Succession) indeed Declares it to be *High Treason*, for any one to affirm, that the King or Queen of this Realm, with and by the Authority of Parliament, hath not Power to make *Laws* and *Statutes* of sufficient Force and Validity to limit and bind the Crown, and the Descent, *Limitation*, *Inheritance*, and *Government* thereof: But does not say a Word that the *People*, either diffusively or collectively, without the Assent of the King and Queen of this Realm, have any such Power. Where is then the *Supreme Power* in the *People*? All that can be said in this Case is this, that before the making of the Statute of 1 *William and Mary*, in Case of Escheat, (if there were none living that by Lawful Descent were right Heir of the Crown) and since the making of that Statute, if there should be a Failure of Issue in the Protestant Line,

Line, upon such Failure, the Power would escheat into the People, as to the *Election* of another Person to Reign; but never was, nor is *fundamentally* in them, in Regard of the Power by which they *Govern*. For even in such Cases, and in Elective Kingdoms, the People can only *hold forth* the Person to the Power; if God have so in his Providence ordained it, not *give* the Power to the Person. For *Her Majesty's*, and all other legal *Kings* and *Queens* of *England's* just Titles, must ever be acknowledged by all, *Dei Gratia, By the Grace of God*, not *Election* nor *Suffrages* of the People.

BUT I would have Men, before they so rashly determine the *Supreme Power* to be in the People, seriously to consider, what the Consequence thereof must necessarily be, and what it unavoidably infers.

DOES not such a dangerous Position change our *Monarchy* into a *Democracy*, our *Commonwealth* into a perfect *Republick*? And if they could compleat their wicked Intentions, make us from the Happiest the Miserablest of People? Does not, nay, must not the Monarch look upon all his Subjects Proprieties, with equal Interest and Concern; (for he having his Honor and Profit arising from all in general, and each one in particular) must not he be careful of all alike? Can *He* be *Happy*, when his *People* are *Miserable*, or can *They* be *Miserable*, when *He* is *Happy*?

DO not *Monarchies* receive their main Assurance, from the mutual Oaths between *Governor*

vernor and Governed. Where are the Oaths between State and People, as between the Monarch and People? Do they swear to observe the Laws, or do the People swear to them Allegiance? How can Peace or Unity be expected, where it is not so much as design'd in Shew or Appearance? For whereas the Submission of all in general, to some kind of coercive and Superior Power, is in Government on all Hands necessary, in a Republick the greatest Part are exempted, and left at Liberty. And where Political Order appoints an Union in the Body, by Means of an Union in the Head, in Democracy, the Head is made of many; and by a monstrous Deformity made bigger than the Body. And where again in Monarchy, the whole People are subject to the Prince, and He to God, (so that there remains but one Personate Liberty, as to the Laws of the Kingdom) here the greater Part have no Laws to restrain them; but according to the Dictates of unbridled Nature, Good and Bad, Justice and Injustice, are at their own Determination. If Power be in the People, then Democracy is the best, and Monarchy the worst Form of Government; and then we of this Nation, have been under a great Mistake for several Hundreds of Years: But it is allow'd on by most Hands, that the latter, (especially an Hereditary Monarchy) is the best Government in the World, as having in it more apparent Unity, and coming nearest to its Pattern and Fountain, God Almighty. Besides, I never could tell how to settle my Reason on any

any other Foundation, not conceiving how *Sovereignty* can be *divided*, without *dividing* our *Obedience*, how *Unity* can proceed from *Plurality*, or how *Peace* can be amongst *Subjects*, when the *Peace-makers* themselves must still be in Danger of *Variance* with one another. But yet so much *Pride*, *Ill Temper*, *Malice*, *Covetousness*, and *Ambition* is there in some People, that rather than not wreak their *Party-Heat*, and *Revenge* upon others, they will ruin the whole Kingdom, tho' they are sure themselves, Fortunes, and their *Posterity* must perish with it.

CAN any Pretences be more Plausible and Specious for Defending and Maintaining the *Rights*, *Liberties*, and *Properties* of the *Subject*, than those which were made Use of in the Time of the late *monstrous Rebellion*? Was not the *Glory* of God, the *Honor* of the *King*, the *Interest* of *Religion*, the *Safety* of the *People*, and the *Welfare* of *Three Kingdoms*, constantly and all along pretended: Insomuch that Thousands of Men were perswaded to believe their Designs were *Honorable*, and that to secure every Man's *Right*, and to make the whole Nation *Great* and *Prosperous*, were their only Aim and Intention? But, alas! were we not all *Cheated* of our *Hopes*, and *Rob'd* of our *Rights*? While the *King* sat *Easy* in his *Throne*, every *Man* sat *Safe* in his *Possessions*; and we were *then* (as God be blessed we are now) *under our own Vines*, and *under our own Fig-trees*; *Paradise* was in our *Land*, *Prosperity* was our *Portion*, the *King* was our *Guardian*,

vernor and Governed. Where are the Oaths between State and People, as between the Monarch and People? Do they swear to observe the Laws, or do the People swear to them Allegiance? How can Peace or Unity be expected, where it is not so much as design'd in Shew or Appearance? For whereas the Submission of all in general, to some kind of coercive and Superior Power, is in Government on all Hands necessary, in a Republick the greatest Part are exempted, and left at Liberty. And where Political Order appoints an Union in the Body, by Means of an Union in the Head, in Democracy, the Head is made of many; and by a monstrous Deformity made bigger than the Body. And where again in Monarchy, the whole People are subject to the Prince, and He to God, (so that there remains but one Personate Liberty, as to the *Laws* of the *Kingdom*) here the greater Part have no *Laws* to restrain them; but according to the Dictates of unbridled Nature, Good and Bad, Justice and Injustice, are at their own Determination. If Power be in the People, then Democracy is the best, and Monarchy the worst Form of Government; and then we of this Nation, have been under a great Mistake for several Hundreds of Years: But it is allow'd on by most Hands, that the latter, (especially an Hereditary Monarchy) is the best Government in the World, as having in it more apparent Unity, and coming nearest to its Pattern and Fountain, God Almighty. Besides, I never could tell how to settle my Reason on any

any other Foundation, not conceiving how Sovereignty can be divided, without dividing our Obedience, how Unity can proceed from Plurality, or how Peace can be amongst Subjects, when the Peace-makers themselves must still be in Danger of Variance with one another. But yet so much Pride, Ill Temper, Malice, Covetousness, and Ambition is there in some People, that rather than not break their Party-Heat, and Revenge upon others, they will ruin the whole Kingdom, tho' they are sure themselves, Fortunes, and their Posterity must perish with it.

CAN any Pretences be more Plausible and Specious for Defending and Maintaining the Rights, Liberties, and Properties of the Subject, than those which were made Use of in the Time of the late monstrous Rebellion? Was not the Glory of God, the Honor of the King, the Interest of Religion, the Safety of the People, and the Welfare of Three Kingdoms, constantly and all along pretended: Insomuch that Thousands of Men were perswaded to believe their Designs were Honorable, and that to secure every Man's Right, and to make the whole Nation Great and Prosperous, were their only Aim and Intention? But, alas! were we not all Cheated of our Hopes, and Rob'd of our Rights? While the King sat Easy in his Throne, every Man sat Safe in his Possessions; and we were then (as God be blessed we are now) under our own Vines, and under our own Fig-trees; Paradise was in our Land, Prosperity was our Portion, the King was our Guardian,

the *Laws* were our *Security*, and every Man's *Riches* were his *own*. I pray what became of our *Magna Charta*, when our *Monarch* and *Monarchy* were cut off? Indeed we had *Laws*, but like the *Laws* of *Draco*, that were written in *Blood*; we had *Courts* of *Justice*, such as were almost as *Just* and *Merciful* as the *Thirty Tyrants* of *Athens*; and *Estates* we had, in the Hands of *Sequestrators*, who kept them *Safe* for us; and our *Estates* yielded their *Yearly Fruits* of *Increase*, for *Locusts* and *Caterpillars*; but *Taxations* we had *none*, only such as we could not *pay*; nor any *Grievances* in the Nation, greater than were our very *Rulers*.

DID not they likewise profess to be the *Trusty* and *Faithful Keepers* of the *Liberty* of the *People*? But how did they prove such? For to *preserve* our *Liberties*, they made us *Slaves*; and to keep all *Arbitrary Power* out, they brought it *in*: The Civil *Liberty* of a *People* is wrapt up in the *Laws*; and this great Blessing we have had under most of our *Kings*, that we have been dealt with according to those *Laws*, to which we ourselves have, by our *Representatives*, given our *own Consent*. Happy are the *People* which be in such a Case. But what a miserable Plight were we in, when instead of One *King*, we had an *Army* of *Usurpers*? and instead of a *Golden Scepter* to bow down to, we had an *Hundred Iron Rods* to be beaten with? It was a Glorious *Liberty*, when the *Scum* of the Nation could *Imprison* without *Reason*, Kill with-

without *Law*, Live without *Religion*, Tyrannize without *Conscience*, and could do every Thing that was good in their own Eyes. In short, they had the *Liberty* to Plunder and Oppress, and we had the *Liberty* to Beg or Starve; they had the *Liberty* to be Cruel and Savage, and we had the *Liberty* either to be Dishonest or be Hang'd.

LET us learn therefore to be Wise in Time, and in a *Ticklish Age* be careful to distinguish between the *Lambkin* and the *Wolf*, and having had the Experience of former Times to instruct us, give great Heed, as to avoid our old *Miseries*, so to forbear the old *Methods* that brought them about. Let us not suffer ourselves at any Time to be abused with a *Show*, nor to trust rashly to *Pretences*, because what hath happen'd may happen again, and to tread in the same *Track*, is the ready way to drop in the same *Snares*.

SOLOMON well knew what he said, that, *For the Transgression of a Land, many are the Princes thereof.* Prov. 28.2. For as all *Republicks* (I believe) have been originally raised upon the *Ruines of Monarchy*, so they who *Erected* them, have ever *Groan'd* under the *Works* of their own *Hands*: And there is not a *Commonwealth* in the World, but may attest the Truth of that in *Maximus Tyrius*, that *Happy is that State, which hath a King for its Governor.*

WE may easily see by some Instances abroad, that Men are great Losers, both as to their *Spiritual* and *Temporal* Interest, by being Members of a State that is *Popular*: The *Low Countries*

Countries remain a particular Instance; for (tho' they are Happy in being freed from the Yoke of Popery, yet) having fought with the King of Spain, about Two Things, Religion and Taxes, they have so far prevail'd, in Respect of both, That they have gotten all the Religions in Christendom, and pay the greatest Taxes in the World.

IS this the Way of preserving the Rights, Liberties, and Properties of the Subject, which they seem so fond of maintaining, and with which deceivable Notions, they so often amuse and stir up the Multitude to Sedition and Rebellion? Is this to cultivate the Arts of Peace? Is this the Method, to support and uphold the strong Mounds and Fences, that now, and have so long, and so well secured us and them against the many and violent Shocks and Underminings, that have been both publickly and privately made, by an *Audacious and Designing Faction*? These are Ways and Means so distant from it, so directly opposite to our present or future Peace and Welfare, that it is the only and sure Method, to plunge ourselves and Posterity into Ruin and Destruction, and to make an apparent Breach to let in nothing but *Anarchy and Confusion*. Therefore at second Thoughts, sure such a *Pernicious and Mischievous Doctrine*, cannot be the Product of a cool and sedate Brain, but must be the Effects of Rashness and Inadvertency. Therefore hope, when such vehement *Asserters*, upon Leisure and Consultation, see their Errors and Mistakes, they will amend, reform, and do no more wickedly.

BUT

BUT to proceed to the Proof that this Doctrine of placing the Supreme Power in the People, and in Kings but by a fiduciary Commission, and therefore to be reclaimed by Force, if they shd transgress against Religion and Liberty, is a Doctrine full of Impiety, Perjury, and Treason.

I have said so much already, more than I first design'd, and so many Books have been written against such a fatal Position to our Church and State, that I will but just touch upon it, by briefly shewing how it involves us into these Three great and heavy Sins.

1st, IT is Impiety towards God, who hath in his Holy Word commanded Obedience to the Powers by him Ordained over us, and hath prohibited Resistance upon Pain of Damnation; and that to the Heathen Tyrants and Persecutors of his Church, even to that Monster of Mankind Nero.

2dly, IT is Perjury, by breaking so many Oaths, Protestations, and Covenants, of bearing unto our Kings true Faith and Allegiance, of Defending their Persons and Honors, with all their just Rights and Dignities.

3dly, IT is Treason: The endeavouring to alienate the Hearts of the Subject from their King, to subvert the Laws, to endeavour to change the Government, to remove the King from the Government, or to imprison his Person, to reform the King by Force, and many other Things, are by the Laws and Statutes of this Realm declared to be Treason.

BUT

BUT perhaps it may be objected that tho' the People of *England*, dispersedly, have not the *Supreme Power*, yet collectively they have, or however a *co-ordinate* or equal Power with the King, especially as to the *Legislative Power*, or making of *Laws*; and therefore the Kings of *England* (being thus restrained) are not so *Absolute* as some People imagine. But I conceive that notwithstanding this supposed Restraint, the Kings of *England* are *Absolute Monarchs*: For if to have *merum Imperium*, a full and absolute Command, and all the *Jura Majestatis* which belong to Sovereignty; if to be *Supreme*, as to hold immediately of God, to have all Persons under him, none but God above him; if to have all Authority and Jurisdiction vested in him, and proceeding from him, and the *Martial Sword* at his sole Disposal, for the Correcting of Offenders, and the well ordering of his People; if to have *whole and entire Power of rendering Justice*, and final Determination of *all Causes*, to all Manner of Subjects; and all this Ratify'd and Confirm'd unto him by the solemn Oath of his Subjects in the Court of Parliament, be enough to make an *Absolute Monarch*, the Kings of *England* are more *Absolute Monarchs* than either of their Neighbors of *France* or *Spain*. *Cambden*, the greatest Antiquary in his Time, and *Bodin*, the greatest Politician in the Realm of *France*, always reckon'd the Kings of *England* *Absolute Monarchs*. And in all *Absolute Monarchies* the *Three Estates* or *Parliament*, have only a *Directive*, and not

a Supplemental Power over their Kings, to supply what is Defective in them, a Corrective Power to reform their Errors, or a Coercive Power to restrain their Actions: And consequently the Parliament of *England* is not Co-ordinate with their Kings, but Subordinate to them; the *Three Estates* consisting (as is before observed) of the *Lords Spiritual, Temporal, and Commons*, and not of the Kings, *Lords, and Commons*. For if the King be co-ordinate with his Parliament, (as he would be, was he one of the *Three Estates*) then, the Parliament would be *Joint-Tenants* with the King in the *Sovereignty*; and then, tho' the King hath no *Superior*, he hath many *Equals*, and where is an *Equality*, there is no *Subjection*. All which is directly contrary to *Scripture*, the known *Laws of our Land*, and the *Fundamental Constitution* of this Kingdom, and hath no Conscience either with Truth or ordinary Observation. Besides, when we are so often told, that Parliaments were originally instituted as *Overseers of the Prince*, and as *Guardians of the Rights, Liberties, and Properties of the People*; it was (to call it no better) but a foolish Device, to make the King a Party, or rather to give him a Rod to Correct himself: The People certainly had been greater Politicians, and acted much wiser, had they kept up their ancient imagined *Supremacy* to themselves, and not have done the Kings of *England* so much *Honor* as to make them co-ordinate with the People. But I suppose the Design was chiefly levell'd against the

Bishops;

Bishops; for this Notion of Co-ordination being hatch'd in the Time of the *Rebellion*, and being the Parliament can consist but of *Three Estates*, if the *King* make one, either the *Bishops* or the *Temporal Lords* must desert their Place; and in all Probability the *Nobility* being then so numerous, and united in Blood and Marriages, and the *Commons* being then so Potent, neither of these would quit their Interest, and therefore the *Bishops* must be no Estate, because less able, as the World then went, to maintain their Title.

I have taken the more Notice of this fancy'd Co-ordinate Power, because of other dangerous Consequences that are cover'd under it; For if the *King*, *Lords*, and *Commons* make the *Three Estates*, the King is only in an equal Rank with the other Two, in Reference to the Business and Affairs of Parliament; which is a wrong Notion, and too great an Introachment upon the *Prerogative* of our *English Kings*, which ought to be maintained as well as the *Rights*, *Liberties*, and *Properties* of their Subjects. For let People fancy what they will, where the Kings are *Absolute Monarchs*, as in *England*, *France*, and *Spain*, the *Three Estates* have properly and legally little more Authority than to Advise their King, and as they see Occasion, to represent unto his View their common Grievances, to propose such Remedies for Redress thereof as to them seem meetest, to canvass and review such erroneous Judgments as have passed in inferior Courts, and finally to consult about, and prepare such

Law^s

Laws as are expedient for the Publick; but then nothing that is so prepared, hath the Force of a Law, or is binding, until the Royal Assent passes: For it is the *King of England* that makes Laws in Parliament, by the Assent of the *Lords* and *Commons*, and not the *Lords* and *Commons* by the Assent of the *King*, as appears by constant Practice, and all our Statutes: So that no Part of *Sovereignty* is invested legally in the *English Parliament*; For if the Parliament have any *Sovereignty*, it must come from the *King* or the *People*. There is no Part nor Branch of *Sovereignty* confer'd upon the Parliament by the *King*; for that the Writ directed to the *Lords* (as hath been before observed) is only *Concilium vestrum impendere*, and the Writ to the *Commons* is only *Facere & Consentire*: And to Advise and Counsel, Conform and Consent, are no Marks of *Sovereignty*, but rather Works of Service and *Subordination*. Nor can they come to give this Counsel and Consent, or tarry longer, or refuse coming, except the *King* excuse them; which are sure Notes of Duty and Subjection, but very sorry Signs of *Power* and *Sovereignty*. So that the *Majesty* or *Sovereignty* of the *King* is not a Jot diminished, either by the calling of a Parliament, or by the Frequency or Presence of his *Lords* or *Commons*. Nay, to say the Truth, the *Majesty* of *Sovereign Princes* is never so Transcendant and Conspicuous, as when they Sit in Parliament with their *States* about them, *the King then standing in his Highest Estate*, as was once said by King *Henry the*

the VIIIth, who well knew how to keep up
the *Majesty* of the Crown Imperial.

NOR can they claim any *Sovereignty* from
the *People*; for *Nemo dat quod non habet*, the
King (as hath been before proved) holding
his Royal Crown immediately from God him-
self, and not from the Contract of the *People*.
So then the *People* cannot give the *Sovereignty*,
and if they have no Power to give it, the
Lords and *Commons* have no Claim thereunto
de jure. And therefore the *Legislative Power*,
as well as the *Sovereignty*, is properly and le-
gally in the *King* alone, and not in the *King*
and *Two Houses*. Altho' the said *Legislative*
Power, is restrained in the *Exercise* and *Use*
thereof by constant Custom, unto the *Counsel*
and *Consent* of the *Lords* and *Commons*; for
Le Roy veult, or *the King will have it so*, is
the Phrase by which the Propositions of the
Lords and *Commons* are made *Acts* of *Parlia-*
ment. For let the *Lords* and *Commons* agitate
and propound what Laws they please, for
their Ease and Benefit, (as generally all Laws
and Statutes are more for the Ease and Benefit
of the Subject, than the Advantage of the
King: And indeed the *Three Estates* or *Par-*
liament, were originally Ordained, not out
of an Opinion that the *Kings* of *England*
could not give away their *Power*, dispense
their Favors, or abate any Thing of their for-
mer Government, without the *Approbation*
or *Consent* of the *People*; or for the Mode-
rating and Restraining the *Power* of *Kings*,
(as some cunning Sophisters would insinuate;)

but

but for the easing of the *Supreme Magistrate* of some Part of the Burthen, which was before too heavy for him, and out of a just Fear lest any one of the *Three Estates* should encroach or insist upon any Thing to the prejudice of the other Two) yet, as well now, as formerly in the Times of the *Roman Emperors*, *Quod Principi placuerit Legis habet vigorem*, Nothing but that which the King pleaseth to allow of, is to pass for a Law; *The Laws not taking their coercive Force (as Judicious Hooker well observeth) from the Quality of such as devise them, but from the Power which giveith them the Strength of Laws.* But I cannot explain the *Legislative Power* being in the *King alone*, and not in *him* and his *Two Houses*, better, than by making Use of an Expression and Comparison of a late learned Gentleman; *That as in a Copyhold Estate, the Copyholder of a meer Tenant at Will comes by Custom to gain an Inheritance, and so to limit and restrain the Will and Power of the Lord, that he cannot make any Determination of the Copyholder's Estate, otherwise than according to the Custom of the Mannor; and yet doth not deprive the Lord of his Lordship in the Copyhold, nor participate with him in it, neither yet divest the Fee and Frank Tenement out of the Lord, but that they still remain in him, and are ever Parcel of his Demesne: So in the restraining of the King's Legislative Power to the Concurrence of the Peers and Commons, tho' the Custom of the Kingdom hath so fixed and settled the Restraint, as that* the

the King cannot in that Point use his Sovereign Power, without the Concurrence of the Peers and Commons, according to the Custom of the Kingdom, yet still the Sovereignty (and with it the inseparable Legislative Power) doth reside solely in the King. So that the States of England, (as Bodin, who was reckon'd a very good Politician, observeth, and our Laws plainly speak) *Habere quidem Ordines Anglo-run Authoritatem quandam, Jura vero Maje-statis, & Imperii Summam in unius Principis arbitrio versari:* The States of England (saith he) have a kind of Authority, but all the Rights of Sovereignty, and Command in chief, are at the Will and Pleasure of the Prince, alone. But to proceed,

THE Practice of the Founder of the Primitive Christians, even our blessed Lord and Saviour Jesus Christ himself, his Apostles, the Primitive Christians, the Homilies, Liturgy, Articles and Canons, of the Church of England, the Prayer for the Queen's Majesty, where we acknowledge the Almighty to be King of Kings, Lord of Lords, and only Ruler of Princes, the Collect, That she, knowing whose Minister she is, &c. And that we and all her Subjects, duly considering whose Authority she hath, &c. are all further undeniable Proofs, that Regal Power is from above, and not below, and sufficiently justify the too much of late ridiculed and exploded Doctrine of Passive Obedience and Non-Resistance. But because these several Heads have been lately very fully and elaborately writ upon by other and better Pens, for

for that Reason, and for Brevity Sake, I purposely omit taking any further Notice thereof, only heartily pity the unhappy Fate of all such Hardned and *Seditious Authors*, that cannot be contented to remain in Error and Obstinacy themselves, but must add to their Miseries, by having Thousands of Seduced Souls loudly crying out against them in the last *Great Day*, for being (thro' their wicked Means) drawn out of the Way, and misguided to their Eternal Destruction. For if *Damnation* be to be then pronounced against Sins of Omission, as for not Helping, not Comforting those to whom we owe it, but by a single Obligation of Charity, what Hell is hot enough for those that act against so many clear Convictions, and endeavour to enforce others to approve of, or seemingly to Covenant or Engage for their Tyranny and Oppression. For he that Countenances or Confirms another in any unjustifiable Action, and always approves it, doth as much as in him lies to make his whole Life (tho' it be but between Subject and Subject) but one contintued Act of Wickedeness, and entails it upon his Posterity. How much more then when offer'd against the Lord's *Anointed*. For if once we come but to say (tho' not act) with the Sons of *Belial*, Who is *Saul* or *David*, that we should serve them? that of the *Atbeift* will soon follow, Who is the *Lord*, that we should serve him?

THUS having (as I conceive) effectually proved, That all such that affirm the

Supreme Power to be originally in the People, and in Kings but in Trust, and therefore accountable to the People, and to be Reclaim'd by Force upon Breach of Trust, advance a Position clearly against Scripture, Reason, the Laws of our Land, the Opinion of several Eminent Lawyers, the Constitution of our Country, and what Involves us into the Three Notorious and Damnable Sins of Impiety, Perjury, and Treason; And having, as you may perceive, all along joyn'd the Adjective Lawful or Legal, to Power or Authority, I shall now descend to the Examination thereof, and give my Reasons for so doing; for without this just Difference, we shall encourage Daring and Ambitious Spirits to grasp at Crowns, and be in a worse Case, by allowing *all Power to come from God*, than if we were to admit it in the People, and delegated from them to Princes. Grant but once of Regal Power without Legal Right, and that the same is due by Office, (as a great many Ingenious Men yet hold) he that before he gets Possession of the Throne, is justly term'd and own'd a *Rebellious Subject*, and *Servant of Satan*, shall, when posses'd (whether the same be obtain'd by Flattery, Money, Fraud, Murder, or any other Impious or Unjustifiable Ways and Means, it matters not) be immediately confess, and loudly Proclaim'd the *Minister of God*, and *Prince of the People*; and therefore as the Power comes from God, (for where that is allowed, no Resistance can be Justifiable, because in Effect it is fighting against God himself)

self) not to be resisted upon any Pretence whatsoever.

THE only Reason that causes this Misunderstanding among us is, by not making a Distinction between God's *Permissive* and *Positive* Will: And therefore I shall show, that tho' an *Usurper* may Reign by the *Permission* of God, yet he does not Reign by his *Ordinance*. So our *Allegiance* is not due to the *Usurped* Power, but to the *Legal* Right. In Order to which, I must beg you will give me so much Time, as to Examine what the Word *Allegiance* means, and to give it its true Definition.

I take *Allegiance* to be a perpetual, indispensable Duty, that every Subject, whatever the Form of Government be, by the Law of Nature oweth to the Supreme Power thereof: And this the Statute calls, A natural and humble Obedience, which both Spiritual and Temporality are bound, and ought to bear to the King. And hence it is, that this Kingdom is called, *The King's Liegeance; the King, Liege Lord, the People, Liege Men*; and this, so essential to the Relation of a Subject, as that the very Name of Subject imports it, and thence gain'd in common Speech, the Name of Natural Allegiance. And this also due to the Natural Body of the King, by the Law of Nature, the Law of God, and the Law of the Land, and cannot be forfeited or renounced by him; As was Adjudg'd by all the Judges of *England*, in the ^{7 Cook, Cal.} Exchequer Chamber: And the contrary Opinion

nion of the Spencers in Edward the Second's Time, That *Ligeance* was more by Reason of the King's Politick Capacity, than of his Person, was condemn'd for High Treason by Two Parliaments, the one call'd *Exilium Hugonis*, in Edward the Second's Time, the other in *Edw. III. cap. 1.* as I have observed before.

BESIDES, the Common Law of England says, the King hath an Interest in the Persons of his Subjects, and may dispose of their Bodies, for the Defence of the Kingdom: And the Reason is, because they are bound by their Allegiance to serve him; as may be seen by the several Writs issued on such Occasions, to array all the Lords, (*& omnes homines defensibiles*) and all that are able to bear Arms, not exempting even the Clergy (*manus adiutrices apponere*) to put their helping Hands to it. And with this agrees the Statute Law, *9 Hen. III. c. 20.* *2 Hen IV. c. 24.* *11 Hen. VII. c. 1. & 18.* *24 Hen. VIII. c. 12.* *3 Edw. VI. c. 2.* How much stronger then is it, when there is an Oath in the Case? And 'tis a Rule in the same common Law, (*Qui non probiber cum potest jubet*) He that hath it in his Power to hinder any Thing, and doth not, commands it: Nay, the very Word *Ligeance* carries a Defence, in that he that gives it binds himself (as with a Band) to his Lord, to defend him against all Men; which if it did not, what other were he to him, than a Knife without an Edge, or a strong Garrison without Ammunition?

NOW

NOW this Allegiance thus defined, is due to the *Supreme Power*, as being the Authority of God; if we have a certain Knowledge that God Almighty interposes his Authority, (as in the Case of *David* against the Sons of *Saul*) but if we have no such Knowledge, our Allegiance is then due to the Legal Right, because a Legal Right is the only Reason and Foundation of our Allegiance. But our Allegiance is not due to God's Authority if usurp'd; where God's Will is only permissive, not positive, his Concourse, being only to the Materiality, not Formality of the Act.

BUT because many Mistakes in these, as well as in other Natures arise, chiefly by not distinguishing rightly between God's Permissive and Positive Will, it will not be amiss to speak more particularly thereunto, to prevent for the future the many Misconceptions of the Divine Majesty. God is the Author of all real Beings, but the Defect of that Being, proceeds from the Irregularity of Man's Will, to which God contributes nothing, only suffers it: God is the Author of the Thing, but not of the Immorality or Deformity of the Thing. God gives the Power, but the Misapplication of that Power, is the Depravity of the Creature; as in *Cain's* Murder, *David's* Adultery, *Abab's* coveting *Nabal's* Vineyard, &c. And the Scripture doth sometimes express Things, as done or commanded by God, when they are only permitted by him; as in the Case of *Pharaoh*, it is said, God hardened his Heart: Exod.9.12.
Rom.9.17. And again, *For this have I raised thee (Pharaoh)*

*2 Chron.
18. 21.*

up, that I might shew my Power in thee, &c. i.e. make thee an Example of my Justice. Again, God is said to have put a lying Spirit in the Mouth of the Prophets, when 'tis clear from the Text, that Satan offer'd himself; and yet that is attributed to God, which he only permitted the Devil to perform. In both which, God can only be said to have concurr'd permissively, by leaving them to themselves, and withdrawing his Grace.

WITHOUT making this just Distinction between God's permissive and positive Will, the Prince is levell'd with the Subject, and gives the Usurper as good a Title as the lawful Sovereign can claim, makes the Success of 41 the Power of God, the Regicides, just Judges, the Rump of a Parliament, God's Ordinance, and Oliver, that greatest of Tyrants, and greatest Dissembler, God's Minister, and as truly placed in the Throne by God, as if he had been expressly Anointed, as were Saul and David. The Reason why the Scripture has given us no Directions, nor made any Distinction between Rightful Kings and Usurpers, between whom we must, and whom we must not obey; but only says in general, *Let every Soul be subject to the Higher Powers*, is, because God Almighty hath left us the Law and the Prophets. But imagining the Case were doubtful, what hurt is it, if we follow that Side of the Doubt, that is freest from Hazard? Especially when the Scripture speaking of Usurpers, never leaves them without some Brand of Infamy. Thus Absalom's Vow

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at *Hebron* is call'd a *Conspiracy*, 2 *Sam.* 15. 12, that of *Jeroboam*, *Rebellion*, 2 *Chron.* 13. 6, that of *Zimri*, *Treason*, *Cbr.* 16. 20, and even *Jebu* confesses himself a *Traytor*, 2 *King.* 10. 9. And which is further observable, few or none of them *died the Death of the Righteous*, or could it be said of their *Postterity*, *that their latter End was like his*. No; God only suffer'd them as a Rod to whip others, and when they had done, threw the Rod into the Fire. Nor does the Scripture (as I remember) call them the *Ordinance of God*, or in any wise require their Subjects to obey them. And therefore such, or the like Examples, seem to be left us, more for our Caution, than Imitation.

BY this it appears that the most *Prosperous* Rebel is not the *Higher Power*. And therefore tho' such Men may get the Power into their Hands, by God's Permission, it is not by God's *Ordinance*; and he who resists them does not resist the *Ordinance of God*, but the *Usurpa-*
tion of Men.

IF we look into the *Address* of the *Uni-*
versity of Cambridge, 1681, and the *Judg-*
ment and Decree of the *University of Ox-*
ford, 1683, we shall find this *Doctrine* where *Providence* is call'd in, and made Use of in Behalf of an *Usurper*, sufficiently exploded; for there we shall find, amongst several other such like *Democratical* Propositions, this following one, (*viz.*) "That Possession and "Strength, give a Right to Govern, and Suc- "cess in a Cause or Enterprise proclaims it "to be lawful and just; to pursue it, is to

" comply with the Will of God, because it is
 " to follow the Conduct of his Providence,
 " are Adjudg'd and Decreed to be False, Se-
 " ditious, Impious, and Infamous to Chri-
 " stian Religion, and destructive to all Go-
 " vernment in Church and State." Besides,
 I cannot believe but all Honest Men took
Oliver Cromwell, and the *Regicides* for what

12 Cap. II. the Statute calls them, " The most Traiterous
C. 14. " Conspiracies, and Armed Power, of Usurp-
 " ing Tyrants, and execrable perfidious Tray-
 " tors; " for according to the Constitution
 of *England*, " The King never dies, but the
 " same Minute that the Natural Person of
 " one King dies, the Crown formerly descen-
 " ded upon the next of Blood, now to the
 " next Heir in the Protestant Line; and
 " therefore he who rebelleth against the Fa-
 " ther, and murders him, continues a Rebel
 " in the Reign of the Son, which commences
 " with his Father's Death.

BUT for a further Light into this Matter,
 let us Examine what hath formerly been the
 Notion of a King *de Facto*, and a King *de Jure*.

Rot. Par. " That upon the Decease of King *Richard the*
1 Edw. IV. " *Second*, the Crown by Law, Custom, and
n. 3. " Conscience, descended and belong'd to *Ed-*
 " *mund, Earl of March*, under whom King
 " *Edward the Fourth* claimed: And that
 " *Henry the Fourth*, against Law, Conscience,
 " and Custom of the Realm of *England*, U-
 " surp'd upon the Crown, and Lordship there-
 " of: And *Henry the Fifth*, and *Henry the*
 " *Sixth* occupy'd the said Realm by unright-
 " teous

Sir Edw.
Cook, 3.

Inst. 7.

Rot. Par.
1 Edw. IV.
n. 3.

" treasonous Intrusion, and Usurpation, and no
" otherwise." And in the Printed Statute
of the same Year, (*cap. i.*) they are declared,
" Usurpers, and called Kings *in Deed*, and
" not *in Right*; and their Reigns pretens'd
" Reigns, and themselves pretens'd Kings;
" such as did not Reign lawfully, nor possess
" the Crown by a just Title." And when
in the Ninth Year of *Edward* the Fourth,
Henry the Sixth had again got the Crown,
and called a Parliament the same Year, where-
in many Things were wrought to the Dishe-
rison and Destruction of *Edward* the Fourth,
yet upon *Edward* the Fourth's beating him out
again, the Parliament of that Year calls that
Parliament so called by *Henry* the Sixth, " A
" pretens'd Parliament, unlawfully, and by
" usurp'd Power, summon'd by the Rebel and
" Enemy to our Sovereign Lord the King,
" *Henry* the Sixth, late in Deed, and not of
" Right, King of *England*; and the said pre-
" tens'd Parliament, and all Acts, Statutes,
" &c. had or Enacted by the Authority of
" the same, are revers'd, cancell'd, and de-
" clar'd void, &c." So that we may plainly
perceive what those Parliaments thought of a
King *de Facto*, when the Continuation of the
Injury by Three Descents, alter'd not the
Nature of it. Neither can I find that this
Distinction of a King *de Jure*, and not *de Facto*,
was ever heard of till the First Year of *Edward*
the Fourth, (at which Time it was first invented
in Parliament, not as a *Salvo* for the Kings
of the House of *Lancaster*, but in Contradiction
to

to a King *de Jure*) or that the Expression was ever used concerning any of our Kings, during their having the Crown, or after their Death, or Cession, without Obloquy. That Treason against a King *de Facto* is punishable, tho' the right Heir get the Crown, every Person must own, because it is an Offence against the Conveniency of the Government, and against the King *de Jure* also, who never dies.

I have dwelt the longer upon this, because we know what Use some Men have made of this Argument of Providence, not only in Respect to the Advancement of Kings, but also to justify all the Villanies they had a Mind to act. No Man can do any Wickedness which he has no Opportunity of doing. And therefore if the Providence of God, which puts Opportunities into Mens Hands, justifies the Wickedness they commit, (which he must do, without making the Distinction between God's permissive and positive Will) no Man can be chargeable with any Guilt, whatever he does. By all which we may conclude, that we are to learn our Duty from the Law of God, not from his Providence; at least this must be a settled Principle, that the Providence of God will never justify any Action which his Law forbids. Therefore whatever the Methods of Providence may be in this World, I am not to judge of them by my private Spirit or Interest, but by God's reveal'd Will, the Law and the Testimony: And this the rather, for (as said a Reverend Bishop)

Bishop of this Kingdom's) "Even Christ Vind. of
" himself, whatever he knew of the Secret the Church
" Will of God, was to follow his reveal'd Will of England,
" in his Actions. P. 35.

WE may own the Power of an Usurper just, but not in any Case the Authority, and in that Notion Conscientiously to obey it, tho' for the best Ends imaginable; for the least Evil is not to be committed nor allow'd, to produce the greatest Good.

IN Cases where I am Morally bound to a Thing intrinsically Good, I conceive, I may act in the Name (not Power) of an Usurper.

IF Demands of Payments for Taxes, Customs, Excise, &c. comes seconded with a Power and Direction to levy ten Times as much if refused, I may chuse the less Evil of Punishment (which will be rather a weakning than Strength to an Usurper, who would make an Advantage by my Refusal) without contracting the Guilt of the Tyrant's Misapplying it: For the Compulsion in the Law itself looks only at the Money, not the Employment of it, and directs my Choice to what is least Penal; and takes off all just Scandal, when my Intentions in *paying* are as far distant from his in *receiving*, as Heaven from Hell.

THO' I cannot pay the Debt of an Operative Allegiance to the right Owner, it is not in my Power to transfer his Right to another; but I may lawfully give, and ought faithfully to observe to an Usurper, a Negative Assurance not to act any Thing against him, so long as I remain under his Protection. But to proceed,

AS

Several
material
objections
answer'd.

AS for those that think *Protection* and *Subjection* stand in Relation to each other, urge an unreasonable and strange Piece of Divinity; for,

1st, THE Subjects Obligation (*Jus Subjectionis*) doth not spring from, nor relate unto the actual Exercise of Kingly Protection, but from and unto the Prince's Obligation to *protect*, (*Jus Protectionis*) for the Prince is continually to *protect*, and the Subject continually to *obey*. Which Obligation lying upon the King, as a Duty which he is bound in Conscience to perform, when it is in his Power so to do: The relative Obligation thereunto, lyeth upon us, as a Duty which we are bound in Conscience to perform, when it is in our Power so to do. His *Inability* therefore to perform his Duty, doth not discharge us from the Necessity of performing ours, so long as we are able to do it.

2dly, IF the King should not *protect* us, but *neglect* his Part, tho' having Power and Ability to perform it; his *voluntary Neglect* ought not to free us from the faithful Performance of what is to be done on our Part. How much less then ought we to think ourselves disoblig'd from our Subjection, when the *Non-Protection* on his Part, shall not proceed from the want of *Will*, but Power? For God's Commissions to Kings are (*durante bene placito*) during his Pleasure, and not *quam diu seipso bene gesserint*, by it to make their Subjects Judges of their Actions, who are only liable to the Directive, (not coactive and coercive) Power of Law.

AS

AS for the *Oath* that Princes take, it is only voluntary in him; but the Subjects *Oath* can be forced by the Law of the Country, or Law of Nature, in Prudence to his Security. If either of them break the *Oaths*, they are so far only punishable by God: For the Prince punisheth his Rebellious Subjects, not as perjured, but as they are Offenders, and Subject to the Laws. And therefore those that take not these *Oaths*, are for such Offences equally punishable herein to those that do. And the Truth is, that without these *Oaths*, both King and People stood obliged to all reciprocal Duties belonging to their Offices. But yet the Use of these *Oaths* are good: For, *First*, The solemn Manner and Place of Delivery (being at the Altar) cannot but deeply imprint in Kings their Duty to God, to whom and his Laws they are to be obedient, as well as the meanest Subject; then by promising to govern according to Law, Justice, and the like, they are put in Mind, that since their Power is given in a great Measure for their Subjects Good, they are to apply these Rules to that Purpose. And so again, Subjects by these *Oaths* come to know that God as well as the Law enjoyns them to Obedience.

AS for such, that can fancy a Possibility of stating a Person in such a Condition, as he should always have Power to do *Good*, must next contrive him such a Will, as he shall be doing it also; or else this Power is but in vain, because he may do ill in forbearing it. And they again, that (on the other Side) would

would take from him all Power to do *Evil*, and yet think all this while he may be a voluntary Agent, do in both Respects, seem to me to condemn God Almighty of *Imprudence* or *Injustice*, in not governing all Men in the World, as these would do some in Kingdoms; that is, not knowing how thus to take from Men the Power of doing *ill*, without taking from them (thereby also) the Power of doing *well*; but suffering Sin thus needlessly to reign in the World. I thought it proper to make this short Observation, because I find several affirm, that Kings have Power to do *Good* unto their People, but none at all to *hurt* them. Besides, a King beset with such Limitations, methinks, looks like a Duck in a Garden, brought to eat up the Snails and Worms, and then ty'd up by the Leg, for Fear of trampling over the Flowers, or meuting in the Walks.

AS for such that affirm, "That the *Laws* are above, or *Superior* to the *King*, and the *Interpretation* thereof not in *him*, but in the *People*." I must confess, advance a Position, that I can no ways understand, or make myself Master of; for as in either Case they set the *Law above the King*, so they set the *Subject above the Law*, dealing in the one as preposterously as in the other: For as in all *Works* that are to be done, there must be the *Worker*, the *Work*, and the *Instruments* whereby he brings it to pass, (the which in Order to the Work, must be at the *Workman's Appointment and Choice*:) So in this Work of Polity or *Governement*,

vernment, the *Commanding*, I take to be the *Workers*, the *Commanded* the *Work*; and the *Law*, *Magistracy*, *Counsellors*, &c. are the *Instruments* for effecting it. I think I have sufficiently proved, that *Kings*, and not the *People*, are the *Workmen*; and to me it seems as evident, that the *Laws*, *Magistrates*, &c. must be at the *Choice* and *Dispose* of such as *Rule*, and also *above the Ruled*; as holding necessary a middle Term to unite and agree them in the *Work* itself. For I take *Law* to be nothing else, But a *Rule of Deportment enforced by a Superior*, and hath in itself no Power to decide Controversies. Therefore of what Avail would *Law* be to Peace, Union, and ceasing of Strife, if there were not a *definitive Sentence* placed somewhere, for the *Interpretation* of it? And where can it be placed so properly as in the Prince?

WHEREUPON it is reasonable to conclude; that since *Laws* are necessary in *Governments*; and since a publick definitive Sentence in their *Interpretation*, is necessary to Peace; and since in the Cases and Questions of Misgovernment, the *Breach of Laws* is as well deny'd on the Part of the *Governors*, as affirm'd on the Part of the *Governed*, it is against all *Reason*, and Rule of *Equity*, for any Body or Order of the *People*, to usurp this inseparable and prime Mark of *Sovereignty*; and become *Judges* to their Fellows, and to judge those that should have been their *Judges* also.

BESIDES, if the People may interpret the Law, and call Kings to Account for Breach of them, the State is plainly Democratical: If the Peers, it is Aristocratical; if either or both of them, it cannot any way be accounted Monarchical. So that you may see Kings are to be exempted from Subjection to the Laws, both because they are not ty'd (otherwise than for Conveniency, and good Example's Sake) to the Observance of such as are mere Positive and Temporal Laws, and because they are not liable to the civil Punishments, set down for Breach of any Law; and the Reason is plain, because they have no Superior upon Earth, that may exercise any such Power over them; for the inflicting of Punishment, is an Act of a Superior to an Inferior. And yet Kings are not hereby made lawless, nor have Liberty given them to do whatever they list; for God's Word and right Reason must give a Law to the Law-givers themselves; for hear but what the 6th Chapter of the Book of Wisdom sayeth, Hear therefore, O ye Kings, and understand; learn, ye that be Judges of the Ends of the Earth: Give Ear, you that Rule the People, and glory in the Multitude of Nations; For Power is given you of the Lord, and Sovereignty from the Highest. Who shall try your Works, and search out your Counsels; because being Ministers of his Kingdom, you have not judged aright, nor kept the Law, nor walked after the Counsel of God, horribly and speedily shall be come upon you; for a sharp Judgment shall be to them that be in High Places. For Mercy

Mercy will soon pardon the meanest, but mighty Men shall be mightily tormented. For he which is Lord over all, shall fear no Man's Person, neither shall he stand in Awe of any Man's Greatness, for he hath made the Small and Great, and careth for all alike.

AGAIN, tho' our Kings are only submitted by God to the Direction, not Coaction of *Humane Laws*, yet Kings are not unconfined by the *Laws of God*; and our *Kingdom*, which set just Bounds both to *King* and *People*, to regulate their Actions by (as a middle Thing between *Supreme Power* and *common Interest*:) And our *Municipal Laws* may be straightned or enlarr'd, in Regard of the Sovereign's *Exercise of Power*, but cannot influence or affect the *Power itself* (which is of God) to alter or enervate the Nature of it.

BUT tho' there be (*Jus*) a *Right* of Security for Kings against all Violence, there is no (*Jus*) *Right* for Tyranny and Arbitrary Power, which is to be esteem'd a Sin, for which Kings are to account, as I have often observ'd, to God only. And upon this Ground, tho' *David* had sinn'd against *Uriah*, both in Adultery, Murder, and Drunkenness, yet he never was question'd for those black Deeds, but in his Confessions to God, cries out, *Against Psal. 51: thee only have I sinned. Quia cum Rex sum* (saith the Gloss.) *quamvis contra Uriam deliquerim, non habeo tamen in terra qui me judicet, sed te in Calo agnosco Judicem meum.* With this agrees *Solomon*, in that they are not Children of the most Voices, but of the most Highest, *Prov. 17: 26.*

the People's Approbation serving only *ad Pom-
pam*, but not *ad Necesitatem*, in a King's Co-
ronation; for the Ceremony of the Corona-
tion doth but *declare*, not *convey* the Right.
So as this Opinion, that Kings are not *accoun-
table* here, is no Ground for Licentious Exor-
bitancies in them; for that sometimes it is
God Almighty's greatest Severity towards
them, not to let them be punished here, in
that they may bear the greater Weight of his
Wrath hereafter; but this Opinion is only
justly stating of the Question concerning *Re-
gal Power*, which originally is one and the
same in itself, in all States where it is, tho'
in many Places, and according to several Forms,
limitted and regulated, in Regard of *Exercise*
and *Execution* only.

BY all which I hope it evidently appears,
that the *Supreme Power* neither is, nor can be
in the *Community of the People*, by Force meer-
ly of their *Original or Natural Liberty*, upon
this firm Ground, that the *Power of Life*,
which is the principal Part of the *Supreme
Power*, is not Part of the *Natural Liberty*, nor
consequently either inherent in the *Community
of Men*, nor by them *communicable* to any
Representative; and so consequently the *King*
is not *accountable* to the *People*, nor to be re-
claim'd by Force; neither is the *Parliament*
co-ordinate, but *subordinate* to the *King*, and with
the *Sovereignty*, he hath also the *inseparable
Legislative Power* solely in him; that the *King* is
Superior to the Laws, and therefore hath the *In-
terpretation* of them, and all other Royal Marks
of

of Sovereignty, are in the Prince, and not in the People. For it is very hard that the King should be sworn to govern according to *Laws*; and not to have the *Interpretation* of them. Besides, why should we think God Almighty so unnecessary in his Dispensations? Is it not more agreeable with Reason and Truth, to put this Power directly into the Hands of the Person that should manage it, than by such long Deviations, first to give it to the People; that the People may give it to the Prince, that the Prince may again give and make Use of it unto and upon the People: And all to no other End, but by this reciprocal Dependency, to be at last, both of them independent on the true Author of all Power, God himself.

AND therefore it will appear a most unreasonable Supposition, that any should give what they never had: For from whom had the People this Power? Why should we confound, or abstract their Relations as Subjects, and instead of a Capacity to be governed, think they have Power of governing? or if they had, who was then the Governed? For take away one Relation, the other will also fall.

CONCLUSION.

THE Result of all in short is this; Every Prince or Person that is legally seated in the Throne of his Kingdom, (*i. e.*) comes thereunto according to the Laws and Constitutions thereof, whether it be by Succession or Election, is immediately God's Vicegerent or Deputy: He is from thenceforth to be reckon'd the Minister or Servant of God, and not of the People; and consequently hath his Power and Authority delegated to him from, and accountable only unto God, and hath no Power from, or accountable unto the People, and therefore not to be Relisted upon any Pretence, or in or for any real Case or Cause whatsoever; but to be Obeyed actually in *all* Things *Lawful*, and *passively* in *all* Things *Unlawful*, and that for the Lord's Sake, (*i. e.*) in Acknowledgment of God's Power abiding in him. For if we should not thus Obey in Things Unlawful, and we should be Judges of what is so, and what is not so, how easy would it be for us to make any Thing Unlawful that we have no Mind to Obey. For to say, We will submit to all Things Just and Reasonable, and no farther, is to appeal back to ourselves, and is not Submission to another, but all Things are left to our private Determination as before, and Just and Reasonable must be but what we will esteem such. If the Children

dren or Servants of our own Family, should in our Government and Commands, demean themselves with like Stubborness, either by disputing the Soleness or Arbitrariness of our Power in general, or by scrupling their Obedience to each Command in Particular, until they find it by God or their Prince Authorized, how would we then cry out against this Sin of Disobedience in them? Wheras yet we think it but Duty in us, that the Obedience we owe to our King, the Father of our Country, should be answer'd with such Demurrs. Therefore say Men what they will, Obedience as Obedience, must be *impli-cite*; For he that in any Command of Lawful Authority, obeys no farther than he finds Reason so to do, as I observed before, obeys but himself, and not another. So that this so much of late exploded Doctrine of *Passive Obedience* and *Non-Resistance*, is not (as some Seditious Impostors would insinuate) pinning our Faith upon other Men's Works, but is Conforming ourselves to *Scripture*, *Reason*, the known *Laws of our Land*, and the long enjoyed *Constitution of our Country*; which, I suppose, even my Enemies will agree, ought to be the Rule for our Behaviour, tho' they will not practise it; the *Destruction* and *Killing* of Kings being look'd upon as a Crime of a most *Horrid* and *Detestable* Nature, even by Men who were in a State of *Brutality*, Armed with *Power*, transported with *Rage*, thirsty of *Revenge*, and flush'd with *Victory*.

OH, but it may be, some cunning Politicians will Interrogate thus, " What if Kings should command their Subjects to commit Murther, or lye with another Man's Wife, or the like ? "

NOW to such a wise Question, I know no better way of Answering, than by another Question, Whether they think it more probable that those Things should come to pass, and be acted in *Civil War* and *Anarchy*, (the usual Remedy of this Fear) when each Man is left at Liberty to perform what he is by Natural Inclinations provok'd unto, or when their Actings are, in that Case bounded by One that can have no such Self-Delight therein. Where there is a King set up with due Power, that can have no Pleasure in any Man's Revenge or Lust, it is not supposeable that this one Person shall be alike prone to command in that kind, (nay, even to any one Person) as that the nearer Provocations of Anger and Concupiscence, where no irresistible Power is, should universally instigate to be committed, in Order to that Liberty in which each one is left.

IF Men do really hate these Things, and the like Evils, and do accordingly desire that the most sure way should be taken for their Avoidance, (for to do it in such Degree that they shall not be supposeable to happen, is impossible) they should then methinks, not countenance those Maxims and Courses that tend to *Rebellion* and *Civil War*. For, where it is but possible that under a *Monarch* equally obeyed,

obeyed, some Things *may* be at *some Times* commanded, in Case of *Insurrection* and *Civil War*, it falls out of *Necessity* that such Things *must* be *often*, and more generally Perpetrated and committed.

B U T those stiff Spirits, that will not stoop unto this *Passive* kind of *Obedience*, (if they can help it) think they have struck the Matter dead, by proposing this Case unto us, " Suppose (say they) the King should command us to worship the Devil, would you wish us here to lay down our Heads upon the Block, and not give us Leave to stand upon our Guard, and to the utmost of our Power, repel the Violence of such a Miserant? If not, what would become of God's Church and his Religion?" As if this had been a new Case, never heard of before, and the Apostle had not sufficiently declared unto us, *That the Things which the Gentiles sacrificed, they sacrificed to Devils, and not to God.* And yet when this Devil-Worship was so vehemently urged by the cruel Edicts of the persecuting Emperors, did the Christians ever take Arms against them for the Matter? or betook themselves to any other Refuge but fervent Prayers to Almighty God, (whom they acknowledged to be their *Princes* only *Superior*) and patient suffering of what Disgrace or Punishment soever should be imposed upon them? To the cheerful undergoing whereof see how St. Peter doth animate and encourage them, *Beloved, think it not strange concerning the fiery Tryal, &c.* <sup>1 Pet. c. 4.
from v. 12,
v. 19.</sup>

Rom. 13.
2, 5.

" BUT if Men's Hands be thus ty'd,
 " (will some say) no Man's Sate can be se-
 " cure; nay, the whole Frame of the Com-
 " mon-wealth would be in Danger to be sub-
 " verted, and utterly ruined, by the unbri-
 " dled Lust of a distemper'd Governor." I
 answer, God's Word is clear in the Point,
*Whosoever resisteth the Power, resisteth the Or-
 dinance of God, and they that resist shall receive
 to themselves Damnation.* And thereby a Ne-
 cessity is imposed upon us of being subject even
 (as I said before) *for Conscience Sake*; which
 may not be avoided, by the Pretext of any
 ensuing Mischief whatsoever.

AGAIN, the Ground of this Objection,
 is exceeding faulty, and standeth not with
 the Rules of *Humanity* or *Divinity*, either of
 sound *Policy*, or true *Piety*. For in the one,
 who of us have not heard of that common
 Rule of our common Law, *That a Mischief is
 better than an Inconvenience?* Not that our
 common Lawyers were so void of Understanding,
 as to imagine that a *Mischief* in itself
 formally consider'd, should be preferr'd before
 an *Inconvenience*; but that an *Inconvenience*,
 the Consequence whereof would reach unto
 the general, should much more be pre-
 vented, than any *Mischief* which might fall
 out in any particular Case, or tend to the
 greatest Detriment of any Person individual.
 For if Things should not be ended by the
 last Sentence of the highest Judge, this in-
 tollerable *Inconvenience* would ensue there-
 upon, in the general Matter of *Judicature*,
 that

that Strifes would prove infinite, Suits immortal, and all Controversies underterminable.

IT is the Part of a prudent Man, in Matters of this Nature, to consider as well the Inconveniences of the one Side, as the Conveniences of the other, and wisely to compare together the Mischiefs that are like to break out on either Side, and especially to take Care, that the Remedy, which is thought upon, do not in the End prove far worse than the Disease, for the helping whereof it was provided. As in the Particular now in Hand, "That the People may oppose their Kings, and withstand them even with Arms, when they conceive the Courses taken by them do tend to the *Dishonor of God*, or the *great Detriment of the Common-wealth*," may seem to vulgar Minds (that look after nothing so much as their own Liberty) to be a Matter that standeth with very great Reason, while in the mean Time, they take no Notice at all of the high Mischiefs, rather than ordinary Inconveniences, which are inseparable Companions of such a desperate Combination.

FOR what greater Disorder can fall out among Men, than to make the *Inferior* overrule the *Superior*, the *Subject* the *Prince*. Besides, what greater Madness can there be, than to seek the Preservation of the Kingdom, by making a Rent therein, and embroiling

broiling it in a *Civil War?* than which no speedier Means could have been devised, to bring it to utter Ruin and Desolation. For we know who said, *If a Kingdom be divided against itself, that Kingdom cannot stand.* And it is a Folly to imagine, that when the Subjects have once taken themselves to Arms, the King will look on and be content to sit still by the Loss. How ready a way this is, to subvert the State of any such distracted Kingdom, and to bring it under the Subjection of *Foreigners*, we need not seek further for Proof than from our own *Ireland*, for such an Association made the *Irish* loose their Dominions, and became *subject* to the Crown of *England*, even until this Day.

SO that in short, if we believe the *Scripture*, there are no *Weapons* that *Christian Subjects* can lawfully raise against *Christian Kings*, but Tears and Prayers, humble Petitions and gentle Perswasions. It becomes us in Obedience, to perform our Part, and leave the ordering of Events to God, whose Part only that is, and who in his own due Time and Manner, *will relieve the Oppressed, and set the Innocent free.*

BUT if we are become such Reprobates as not to think fit to vail to the Authority of *Scripture*, yet methinks, even in Prudence to our own Peace and Safety, which cannot be preserved without keeping and observing a due Order and Decorum in our several Stations;

Stations; I say, even for these Reasons, we may conclude, the most that we as Subjects can act or do against a Mad and Tyrannical Prince, (when it shall please God Almighty for our Sins to scourge us with such a Rod) is to avoid his Presence, if possible, otherwise to defend his threatened and approaching Violence, by a soft and easy Position of our Hands upon him, as the most dutifullest of Children would avoid the impending and undeserved Assaults of a distemper'd or Passionate Father. Such a modeft and gentle Refraction and Defence, will be so far from justly taxing us with Undutifulness and Rebellion, that indeed it is rather our Duty so to do; for thereby we may be a Means of saving his Soul eternally, which by a too easy Submission to his then implacable Temper, may be endanger'd. But I cannot conceive how we can (either by the Divine or Humane Laws) actually resist or depose our Prince. For as the Natural Father is *Pater Familia*, is our Father and Master, as well when he proves Crazy, Imprudent, Severe, or Unkind, as when he has actually his Sences, or is Careful, Tender, or Loving, so certainly the Political Father is *Pater Patriæ*, is our King and Governor, as much and as well when he proves and continues Distracted, Neglectful, Persecuting, or Tyrannical, as when he is Wise, Provident, Mild, or Good. For he that is a King in his Entry, does not Unking himself

self by being a *Tyrant* in his *Administration*, but shall remain in his *Power*, until He that invested him with that Power shall think fit to call him to an Account for his unjust Oppressions, and wicked and sinful Life.

BESIDES, if this Right and Duty of *Resistance* were so in the People, as is alledg'd, why in so many Thousand Years, and in the Reign of so many Unjust and Evil Kings as are set down in the Old and New Testament, do we never find Prophet, Apostle, or other Men instructing the People in a Duty of so great Concern. They, had they so pleased, might have as easily said, Fight, as Obey; and Resist, as not Resist. In short, if *Resistance* be Justifiable either by *Scripture*, or the *Laws of our Land*, there is not a Text in the one, or a Point in the other, but what a *Factions* and Learned Man may wrest and evade; and so our *Religion* and *Laws* are mere Cyphers; there being nothing more home pressed, nor more plainly proved by both, than this Duty of *Passive Obedience* and *Non-Resistance* that I am now pleading for.

BUT it may be, after all that I have said, it will be answered, That if Matters must stand thus, the People have a dry Right without a Remedy, "That they have a Right to be free from Oppression, but such an one, as serves to no Stead, since it may be taken from them at the Pleasure of another." I have instanc'd before, that

that such an Objection is very Unpolitical, and also Unchristianlike. But because I would make an Impression upon the Minds of such Men as much as possible, I will take a little further Notice thereof, and so conclude. What shall we call an Appeal to God no Remedy? or shall we say, there is no Remedy or Justice for Subjects, but when and where themselves shall be *Accusers, Judges, and Executioners* too? Or cannot God Almighty by Millions of Ways take away the Airy Beings of Kings, the only Difference between Sleep and Death, without an Unnatural Parricide, or the rising of the People, if he think fit to ease them of such a Servile Condition as Cruel Tyrants bring upon them? Or cannot he *turn the Hearts of wicked Princes whithersoever he listeth?* These are Assertions so contrary to Scripture, and the Examples of our Saviour, who enjoyns the Afflicted to *cry unto him, and he will bear them*, who orders Subjection, *Not only to the good and gentle (Superiors) but also to the froward; for this is thank-worthy, if a Man for Conscience towards God, endure Grief, suffering wrongfully: For what Glory is it, if when we be buffeted for our Faults, we take it patiently; but if when we do well, and suffer for it, we take it patiently, this is acceptable with God: For even hereunto were we called, because Christ suffered, as leaving us an Example, that we should follow his Steps: who did no Sin, neither was Guile found*

1 Pet. 2.
18, 19, 20,
21, 22, 23.

in his Mouth, who when he was reviled, reviled not again, when he suffered threatened not, but committed himself to him who judgeth righteously. Such Assertions, I say, are Doctrines mixt with so much Blasphemy and Atheism, that I tremble at the very Thoughts of them. Therefore I will not pretend to argue with such Men any longer, but refer them to him who judgeth righteously, who will certainly punish the Evil-Doers, and reward them that do well, in such Time and Manner as he in his infinite Wisdom shall think fit.



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